



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

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**Vol: 30**

**POLOKWANE,**  
20 OCTOBER 2023  
20 OKTOBER 2023

**No: 3452**

**PART 1 OF 2**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 346 OF 2023****BELA-BELA LOCAL MUNICIPALITY:  
NOTICE OF APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP IN TERMS OF SECTION 56 OF THE  
BELA-BELA LOCAL MUNICIPAL SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017:**

We, Bertus van Tonder Town Planning Consulting (Pty) Ltd, being the applicant of Portion 17 (a Portion of Portion 2) of the farm Kameelrivier 77-JR, hereby give notice in terms of Section 92(1) of the Bela-Bela Local Municipality Land Use Management By-Law, 2017, that we have applied to the Bela-Bela Local Municipality for the Establishment of a Township in terms of Section 56 of the Bela-Bela Local Municipal Spatial Planning and Land Use Management By-Law, 2017, referred to in the Annexure below. Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details of the person or body submitting the objection(s) and/or comment(s), shall be lodged with or made in writing to: The Office of the Municipal Manager, Private Bag X1609, Bela-Bela 0480, from 13 October 2023 to 17 November 2023. Full particulars and plans (if any) may be inspected during normal office hours at the Municipal Offices as set out below, for a period of 35 days from the date of first publication of the advertisement in the Limpopo Provincial Gazette newspaper namely from 13 October 2023. Address of Municipal Offices: The Office of the Municipal Manager, Bela-Bela Local Municipality, Chri Hani Drive, Bela-Bela, Limpopo, 0480. Closing date for any objections and/or comments: 17 November 2023. Address of applicant: P.O. Box 11771, Hatfield, 0028. Telephone No: 0745828820: E-mail: bertus@bvtplan.co.za. Dates on which the Township Establishment Application will be published: 13 October 2023 and 20 October 2023.

**ANNEXURE:**

Name of township: **Kameelrivier Extension 1**: Full name of applicant: Bertus van Tonder Town Planning Consulting (Pty) Ltd on behalf of SMBS Enterprises (Pty) Ltd. Number of Erven, Proposed Zoning and Development Control Measures: 2 Erven: Erven 1 and 2, Kameelrivier Extension 1: Zone 5: "Business 1" at a Density of 1 Dwelling unit per erf and as per Table D, Column 9 and with Relaxation, Column 10, a Coverage of 50% and as per Table D, Column 12 and with Relaxation, Column 13 and a Height of 2 stories, and as per Table E, Column 14 and with Relaxation, Column 15, as per the Bela-Bela Land Use Scheme, October 2016. The intention of the applicant in this matter is to develop the property for the uses as applied for, and the said property is 77 296 m<sup>2</sup> in extent. Description and Locality of the Application Property on which the Township is to be established: Portion 17 (a Portion of Portion 2) of the Farm Kameelrivier 77-JR, located at GPS Co-Ordinates 25°14'28.28" South and 28°26'21.33" East, on the eastern alignment of the D48, Rust De Winter Road.

13-20

**ALGEMENE KENNISGEWING 346 VAN 2023****BELA-BELA PLAASLIKE MUNISIPALITEIT:  
KENNISGEWING VAN 'N AANSOEK VIR DORPSTIGTING IN TERME VAN ARTIKEL 56 VAN DIE BELA-BELA  
PLAASLIKE MUNISIPALE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BYWET, 2017:**

Ons, Bertus van Tonder Town Planning Consulting (Pty) Ltd, synde die applikant te wees van Gedeelte 17 ('n Gedeelte van Gedeelte 2) van die plaas Kameelrivier 77-JR, gee hiermee ingevolge Artikel 92(1) van die Bela-Bela Plaaslike Munisipale Ruimtelike Beplanning en Grondgebruiksbestuur Bywet, 2017, kennis dat ons by die Bela-Bela Plaaslike Munisipaliteit aansoek gedoen het vir die Stigting van 'n Dorp in terme van Artikel 56 van die Bela-Bela Plaaslike Munisipale Ruimtelike Beplanning en Grondgebruiksbestuur Bywet, 2017, soos verwys na in die Bylae hieronder. Enige beswaar(e) en/of kommentaar(e), insluitend die gronde vir sodanige beswaar(e) en/of kommentaar(e) met volledige kontakbesonderhede van die persone of liggame wat die beswaar(e) en/of kommentaar(e) indien, waaronder die Munisipaliteit nie kan korrespondeer met die persone of liggame wat die beswaar(e) en/of kommentaar(e) indien nie, moet skriftelik gerig word aan: Die Kantoor van die Munisipale Bestuurder, Privaatsak X1609, Bela-Bela, 0480, vanaf 13 Oktober 2023 tot 17 November 2023. Volledige besonderhede en planne (indien enige) van die aansoek kan gedurende gewone kantoorure besigtig word by die Munisipale Kantore soos hieronder uiteengesit, vir 'n tydperk van 35 dae vanaf die datum van die eerste publikasie van die advertensie in die Limpopo Provinsiale Gazette Koerant, naamlik vanaf 13 Oktober 2023. Adres van Munisipale kantore: Die Kantoor van die Munisipale Bestuurder, Bela-Bela Plaaslike Munisipaliteit, Chris Hani Rylaan, Bela-Bela, Limpopo, 0480. Sluitingsdatum vir enige beswaar(e): 17 November 2023. Adres van gematigde agent: Posbus 11771, Hatfield, 0028. Tel. no: 0745828820: E-pos: bertus@bvtplan.co.za.

**BYLAE:**

Naam van dorp: **Kameelrivier Uitbreiding 1**: Volle naam van aansoeker: Bertus van Tonder Town Planning Consulting (Edms) Bpk namens SMBS Enterprises (Edms) Bpk. Aantal erwe, voorgestelde sonering en ontwikkelingsbeperkings: 2 Erwe: Erwe 1 en 2, Kameelfontein Uitbreiding 1: Zone 5: "Besigheids 1" met 'n Digtheid van 1 Wooneenheid per erf en soos per Tabel D, Kolom 9 en met Verslapping, Kolom 10, 'n Dekking van 50% en volgens Tabel D, Kolom 12, en met Verslapping, Kolom 13 en 'n Hoogte van 2 verdiepings, en soos per Tabel E, Kolom 14 en met Verslapping, Kolom 15, volgens die Bela-Bela Grondgebruikskema, Oktober 2016. Die intensie van die applikant in hierdie saak is om die eiendom te ontwikkel vir die gebruike waarvoor daar aansoek gedoen word, en genoemde eiendom is 77 296 m<sup>2</sup> groot. Beskrywing en Ligging van eiendom waarop dorpstigting gevestig gaan word: Gedeelte 17 ('n Gedeelte van Gedeelte 2) van die Plaas Kameelfontein 77-JR, geleë te GPS Koördinate 25°14'28.28" Suid and 28°26'21.33" Oos, op die oostelike belyning van die D48, Rust De Winterweg.

13-20

**GENERAL NOTICE 347 OF 2023****POLOKWANE MUNICIPALITY****POLOKWANE/PERSKEBULT AMENDMENT SCHEME, 598**

It is hereby notified in terms of Section 61 (6) of The Polokwane Municipal Planning By-Law, 2017, that Polokwane Municipality has approved the rights of Polokwane/Perskebult Town Planning Scheme, 2016, for the rezoning of Portion 5 of Erf 767 Pietersburg from "Residential 1" to "Special" for Medical Consulting Rooms subject to conditions on Annexure 245.

Map 3 and the Scheme Clauses of the amendment scheme are filed with the Manager: City and Regional Planning, Polokwane Municipality and are open for inspection at all reasonable times.

This amendment is known as Polokwane/Perskebult Amendment Scheme **No.598** and shall come into operation on the date of publication of this notice. Any interested person may request a translation of the Notice, in their preferred language, from the municipality. This request may be forwarded to [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za)

**Civic Centre**  
**POLOKWANE**

**MS. THUSO NEMUNGUMONI**  
**MUNICIPAL MANAGER**

**ALGEMENE KENNISGEWING 347 VAN 2023****POLOKWANE MUNISIPALITEIT]****POLOKWANE/PERSKEBULT WYSIGINGSKEMA, 598**

Dit word hiermee ingevolge Artikel 61 (6) van die Polokwane Munisipale Beplanningsverordening, 2017, in kennis gestel dat Polokwane Munisipaliteit die regte van Polokwane/Perskebult Dorpsbeplanningskema, 2016, goedgekeur het vir die hersonering van Gedeelte 5 van Erf 767 Pietersburg van "Residensieel 1" na "Spesiaal" vir Mediese Spreekkamers onderworpe aan voorwaardes op Bylae 245.

Kaart 3 en die Skemaklousules van die wysigingskema word in bewaring gehou deur die Bestuurder: Stads- en Streekbeplanning, Polokwane Munisipaliteit en is beskikbaar vir inspeksie op alle redelike tye.

Hierdie wysiging staan bekend as Polokwane/Perskebult-wysigingskema No.598 en tree in werking op die datum van publikasie van hierdie kennisgewing. Enige belangstellende persoon kan 'n vertaling van die Kennisgewing, in hul voorkeurtaal, by die munisipaliteit versoek. Hierdie versoek kan aan [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za)

**Civic Centre**  
**POLOKWANE**

**MS. THUSO NEMUNGUMONI**  
**MUNISIPALE BESTUURDER**

**GENERAL NOTICE 348 OF 2023****POLOKWANE MUNICIPALITY**

**NOTICE FOR APPLICATION FOR AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017, READ TOGETHER WITH SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013) FOR THE AMENDMENT OF THE POLOKWANE INTEGRATED LAND USE SCHEME 2022 IN RELATION TO THE BELOW APPLICATIONS:**

- REZONING OF ERF 899 NIRVANA EXTENSION 3 FROM "RESIDENTIAL 1" TO "SPECIAL" WITH ANNEXURE TO ALLOW A CORNER SHOP
- REZONING OF PORTION 3 OF ERF 320 PIETERSBURG FROM "RESIDENTIAL 1" TO "BUSINESS 1"
- REZONING OF PORTION 2 OF ERF 458 PIETERSBURG FROM "RESIDENTIAL 1" TO "SPECIAL" FOR STUDENT ACCOMMODATION
- REZONING OF REMAINING EXTENT OF ERF 220 ANNADALE TOWNSHIP FROM "RESIDENTIAL 1" TO "RESIDENTIAL 2" WITH INCREASE IN DENSITY
- REZONING OF ERF 3869 PIETERSBURG EXT 11 FROM "RESIDENTIAL 1" TO "SPECIAL" WITH ANNEXURE TO ALLOW A BEAUTY SPA
- APPLICATION FOR THE PROVISION OF CLAUSE 36 OF THE POLOKWANE INTEGRATED LAND USE SCHEME, 2022 AS WELL AS THE PROVISION OF SPLUMA 2013 (ACT 16 OF 2013) FOR THE SECONDARY USE OF THE \*PROPERTY FOR SPECIAL USE TO ALLOW AN INN ACCOMMODATION ON PORTION 28 OF THE FARM RIETVLEY 13 KS.
- REZONING OF ERF 40208 PIETERSBURG FROM "RESIDENTIAL 1" TO "BUSINESS 2"

We, Opulence Developments, being the authorised agent of the owner of the above properties, intend applying to the Polokwane Municipality. Plans and particulars of the application will lie for inspection during normal office hours at the office of the Manager: City Planning and Property Management, Polokwane Municipality, Civic Centre, 1<sup>st</sup> Floor West Wing, from the 20 October 2023, for the period of 28 days from the first date of publication. Objections and/or comments or representation in respect of the application must be lodged with or made by writing to the Manager: City Planning or Authorised Agent: Opulence Development, 6 Villa Santana Main Street, Heather view 0156: Contact: 0840767294 Email: [opulencedevelopments@gmail.com](mailto:opulencedevelopments@gmail.com)

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**ALGEMENE KENNISGEWING 348 VAN 2023****POLOKWANE MUNISIPALITEIT**

KENNISGEWING VIR AANSOEK OM WYSIGING VAN DIE DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 61 VAN DIE GERORDENING VIR POLOKWANE MUNISIPALE BEPLANNING, 2017, GELEES SAAM MET RUIMTELIKE BEPLANNING EN GRONDBESTUURWET OP DIE INTERMELIKE GRAAD 2016 VAN DIE POLOKWANE-WET 2016) LAND GEBRUIK SKEMA 2022 IN VERBAND MET DIE ONDERSTAANDE TOEPASSINGS,

- HERSONERING VAN ERF 899 NIRVANA UITBREIDING 3 VAN "RESIDENSIEEL 1" NA "SPESIAAL" MET BYLAAG OM 'N HOEKWINKEL TOE TE LAAT
- HERSONERING VAN GEDEELTE 3 VAN ERF 320 PIETERSBURG VAN "RESIDENSIEEL 1" NA "BESIGHEID 1"
- HERSONERING VAN GEDEELTE 2 VAN ERF 458 PIETERSBURG VAN "RESIDENSIEEL 1" NA "SPESIAAL" VIR STUDENTE-AKKOMODASIE
- HERSONERING VAN OORblywende OMSTREK VAN ERF 220 ANNADALE DORPS VAN "RESIDENSIEEL 1" NA "RESIDENSIEEL 2" MET VERHOOGING IN DIGTHEID
- HERSONERING VAN ERF 3869 PIETERSBURG EXT 11 VAN "RESIDENSIEEL 1" NA "SPESIAAL" MET BYLAAG OM 'N SKOONHEIDSPA TE LAAT
- AANSOEK OM DIE VOORSIENING VAN KLOUSEL 36 VAN DIE POLOKWANE GEÏNTEGREERDE GRONDGEBRUIKSKEMA, 2022 ASOOK DIE VOORSIENING VAN SPLUMA 2013 (WET 16 VAN 2013) VIR DIE SEKONDÊRE GEBRUIK VAN DIE \*EIENDOM VIR SPESIALE GEBRUIK 28 VAN DIE PLAAS RIETVLEY 13 KS.
- HERSONERING VAN ERF 40208 PIETERSBURG VAN "RESIDENSIEEL 1" NA "BESIGHEID 2"

Ons, Opulence Developments, synde die gemagtigde agent van die eienaar van bogenoemde eiendomme, beoog om by die Polokwane Munisipaliteit aansoek te doen. Planne en besonderhede van die aansoek sal ter insae lê gedurende gewone kantoorure by die kantoor van die Bestuurder: Stadsbeplanning en Eiendomsbestuur, Polokwane Munisipaliteit, Burgersentrum, 1ste Vloer Wesvleuel, vanaf 20 Oktober 2023, vir 'n tydperk van 28 dae vanaf die eerste datum van publikasie. Besware en/of kommentaar of verhoë ten opsigte van die aansoek moet ingedien of gerig word deur skriftelik aan die Bestuurder: Stadsbeplanning of Gemagtigde Agent: Opulence Development, Villa Santana Hoofstraat 6, Heather view 0156: Kontak: 0840767294 E-pos: [opulencedevelopments@gmail.com](mailto:opulencedevelopments@gmail.com)

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**GENERAL NOTICE 349 OF 2023****APPLICATION FOR CONSENT IN TERMS OF SECTION 66 OF THE LEPHALALE MUNICIPAL SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017****CONSENT NUMBER 03 OF 2023**

Notice is hereby given that I, Renier Johan Meintjes of Plan Associates Development Planners (Pty) LTD, being the authorised agent of the owner of the Farm Kruishout 271, Registration Division L.Q., Limpopo Province, in terms of Section 66 of the Lephalale Municipal Spatial Planning and Land Use Management By-Law, 2017 read together with the Lephalale Land Use Scheme, 2017 have applied to the Lephalale Municipality for the Special Consent for Renewable Energy Facility (consisting of solar panels, operations and maintenance area, substation and storage) and any ancillary uses related to the main use on the Farm Kruishout 271 LQ situated  $\pm 60$ km west of Lephalale and  $\pm 3$ -5km east of the South Africa/Botswana Border.

Particulars relating to the application will lie for inspection during normal office hours at the office of the Executive Manager: Development Planning Directorate, Lephalale Civic Centre, c/o Joe Slovo and Douwater Road, Onverwacht, for a period of 30 days from 20 October 2023 (the date of the first publication of this notice).

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, Lephalale Municipality, Private Bag X136, Lephalale, 0555 within a period of 30 days from 20 October 2023.

Address of applicant: Physical: 339 Hilda Street, Hilda Chambers, First Floor, Hatfield. Postal: Postnet Suite #211, Private Bag X15, Menlo Park, 0102. Telephone No: (012) 342 8701. Email address: info@planassociates.co.za.

Dates of the notice: 20 October 2023 and 27 October 2023

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**ALGEMENE KENNISGEWING 349 VAN 2023****AANSOEK VIR TOESTEMMING INGEVOLGE ARTIKEL 66 VAN DIE LEPHALALE MUNISIPALE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURVERORDENING, 2017****TOESTEMMING NOMMER 03 VAN 2023**

Kennis word hiermee gegee dat ek, Renier Johan Meintjes van Plan Medewerkers Ontwikkelingsbeplanners (Edms) BPK, synde die gemagtigde agent van die eienaar van die Plaas Kruishout 271, Registrasie Afdeling L.Q., Registrasie Afdeling L.Q., Limpopo Provinsie, ingevolge Artikel 66 van die Lephalale Munisipale Ruimtelike Beplanning en Grondgebruikbestuurverordening, 2017 saamgelees met die Lephalale Grondgebruikskema, 2017 het by die Lephalale Munisipaliteit aansoek gedoen vir die Spesiale Toestemming vir Hernubare Energie Fasiliteit (bestaande uit sonpanele, bedryfs- en instandhoudingsarea, substasie en berging) en enige bykomende gebruike wat verband hou met die hoofgebruik op die Plaas Kruishout 271 LQ geleë  $\pm 60$ km wes van Lephalale en  $\pm 3$ -5km oos van die Suid-Afrika/Botswana grens.

Besonderhede met betrekking tot die aansoek sal gedurende gewone kantoorure ter insae lê by die kantoor van die Uitvoerende Bestuurder: Direktoraat Ontwikkelingsbeplanning, Lephalale Burgersentrum, h/v Joe Slovo en Douwaterweg, Onverwacht, vir 'n tydperk van 30 dae vanaf 20 Oktober 2023 (die datum van die eerste publikasie van hierdie kennisgewing).

Besware teen of vertoe ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 20 Oktober 2023 skriftelik by die Munisipale Bestuurder, Lephalale Munisipaliteit, Privaatsak X136, Lephalale, 0555 ingedien of gerig word.

Adres van applikant: Fisies: 339 Hildastraat, Hilda Chambers, Eerste Vloer, Hatfield. Posadres: Postnet Suite #211, Privaatsak X15, Menlopark, 0102. Telefoonnommer: (012) 342 8701. Epos adres: info@planassociates.co.za.

Datums van die kennisgewing: 20 Oktober 2023 en 27 Oktober 2023

20-27

**GENERAL NOTICE 350 OF 2023****MUSINA LAND USE MANAGEMENT SCHEME 2010**  
**REMAINDER FARM VRIENDEN 589MS**

I, Floris Jacques du Toit of Jacques du Toit & Associates, Town and Regional Planners, being the Authorized Agent of the registered owner of Remainder Farm Vrienden 589MS, hereby give notice, that we have applied in terms of Section 36 of the Musina SPLUMA Bylaws, 2016 for rezoning of Remainder Farm Vrienden 589MS from "Agricultural" to "Special for Solar Electricity Power Station and Agricultural Purposes" situated south of the D774 at 22° 41' 31.4" S 29° 49' 30.9" E.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Civic Centre, 21 Irwin Street, Musina, for the period of 30 days from 20 October 2023 (the date of the publication of the notice). Objections to or representations in respect of the application must be lodged with or made in writing to the Authorised Official at the above address or be delivered to, 21 Irwin Street, Musina on or before 21 November 2023, quoting the above-mentioned heading, the objector's interest in the matter, the ground(s) for the objection/representation, the objector's property description, phone numbers and address. A person who cannot write may during office hours and within the objection period, visit the abovementioned Municipality requesting assistance to transcribe his/her objections, comments or representations.

Contact person: Mr Masindi (Tel: 071 368 2492)

Address of Agent: Jacques du Toit & Associates, PO Box 754, Tzaneen, 0850 Tel. 015-307 3710

20-27

**ALGEMENE KENNISGEWING 350 VAN 2023****MUSINA GRONDGEBRUIKSKEMA 2010**  
**RENTANT PLAAS VRIENDEN 589MS**

Ek, Floris Jacques du Toit van Jacques du Toit & Medewerkers, Stads- en Streekbeplanners, synde die Gemagtigde Agent van die geregistreerde eienaar van Rentant Plaas Vrienden 589MS, gee hiermee kennis dat ons aansoek gedoen het ingevolge Artikel 36 van die Musina SPLUMA-verordeninge, 2016 vir hersonering van Rentant Plaas Vrienden 589MS vanaf "Landbou" na "Spesiaal vir Sonkragkragstasie en Landboudoeleindes" geleë suid van die D774 teen 22° 41' 31.4" S 29° 49' 30.9" O.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Burgersentrum, Irwinstraat 21, Musina, vir 'n tydperk van 30 dae vanaf 30 Oktober 2023 (die datum van publikasie van die kennisgewing). Besware teen of vertoe met betrekking tot die aansoek moet skriftelik by die Gemagtigde Beamppte by bogenoemde adres ingedien of gerig word of gelewer word by, Irwinstraat 21, Musina voor of op 21 November 2023, met aanhaling van die bogenoemde opskrif, die beswaarmaker se belang in die saak, die grond(e) vir die beswaar/vertoë, die beswaarmaker se eiendomsbeskrywing, telefoonnommers en adres. 'n Persoon wat nie kan skryf nie, kan gedurende kantoorure en binne die beswaartydperk die bogenoemde Munisipaliteit besoek en bystand versoek om sy/haar besware, kommentaar of vertoe af te skryf.

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20-27

**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 127 OF 2023**

*on the Go for Growth*

**EMERGENCY SERVICES BY-LAWS**

**Municipal Manager of Waterberg District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Emergency Services By-Law for Waterberg District Municipality as approved by its Council on 27 September 2023, as set out hereunder.**



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## CHAPTER 1 APPLICATION OF BY-LAW

### 1. This By-Law apply-

- (a) Within the area of jurisdiction of the Council.
- (b) In addition to any applicable National and Provincial law.

### 2. DEFINITIONS

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

**"Aboveground Tank"** means a tank situated above ground for the storage of a flammable liquids and gases.

**"Access Door"** means any door that provides access to an emergency route.

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

**"Adaptor Dolly"** means a semi-trailer with one or more axles, designed, or adapted-

- (a) to be attached between a truck-tractor or a haulage tractor and a semitrailer; and
- (b) not to carry any load other than that imposed by a semi-trailer;".

**"Ambient"** means the temperature of the air in the spray area at which a spray application process takes place.

**"Animal"** means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority.

**"Area"** means any residential area or any other area within the boundaries of the Municipality.

**"Approved"** means approved by the Council.

**"Basement"** means that part of a Building which is below the ground floor story.

**"Building"** includes -

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

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

**"Bulk Depot"** means any Premises defined as such in SANS Code of Practice 10089: Code of Practice of the Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products, on which the capacity for the storage of flammable goods or combustible goods (or both) exceeds 200m<sup>3</sup> in above-ground tanks, on which goods are normally received from

- refinery or other bulk depot by road, trail, sea or pipeline (or combination of these), and from which such flammable goods or combustible goods (or both) are delivered;
- "Bund Wall"** means a containment wall surrounding an above ground storage tank, constructed of an impervious material, and designed to contain 110% of the contents of the tank.
- "Certificate of Appointment"** means an identification document issued by the Chief Fire Officer to a member.
- "Certificate of Compliance"** means a certificate contemplated in Section 20 of these by-laws, which certificate has been issued by the Service in terms of fire related requirements to authorise a person to occupy designated premises (which are a public building) accordingly.
- "Certificate of Registration"** means a certificate issued by the Service in terms of Section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of dangerous goods, by having complied with all fire related requirements.
- "Chief Fire Officer"** means the person in charge of a service as contemplated in section 5 of Fire Brigade Services Act of 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5 (3) of the Act.
- "Chief Inspector of Explosives"** means a member appointed as an inspector in terms of section 2(5) of the Explosives Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned.
- "Civil Aviation Authority"** means the South African Civil Aviation Authority established in terms of section 2 of the South African Aviation Authority Act, 1998 (Act No. 4 of 1998).
- "Code of Practice"** means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993).
- "Combustible Liquid"** means a liquid which has a close-cap flash point of 38°C or above.
- "Combustible Material"** means combustible refuse, combustible waste, or any other material capable of igniting.
- "Combustible Powder"** means any finely divided solid coating material that is capable of being ignited.
- "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, feather, Downwood shavings, turnings all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any other salvageable combustible waste material.
- "Competent Person"** means a person who is qualified by virtue of his or her experience and training.
- "Competent Authority"** shall have the meaning assigned thereto in the National Environment Management Act (Act No. 107 of 1998).
- "Consignor"** means the person who offers dangerous goods for transport in a vehicle referred to in regulation 274(1), and includes the manufacturer or his or her agent, duly appointed as such;
- "Consignee"** means the person who accepts dangerous goods which have been transported in a vehicle referred to in regulation 274(1).
- "Constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- "Controlling Authority"** means the local authority in control of the Service as defined in the Fire Brigade Services Act, 1987.
- "Control Room"** means a room on any premises which is specifically designed, built, and equipped to coordinate and control an emergency situation in or on the premises in question.
- "Council"** means The Waterberg District Municipality established by Provincial Notice No. 37 of 2000, dated 1 October 2000 its successors in line title; a structure or person exercising a delegated powers or carrying out an instruction, where any power in this By-Laws has been delegated or sub-delegated, or an instruction given as contemplated in section 59 of the Local Government, Municipal Systems Act 2000 or a service provider fulfilling a responsibility under this By-Laws; assigned to it in terms of section 81 (2) of Local Government, Municipal Systems Act 2000, or any other law, as the case may be;
- "Critical location"** means area that is not ventilated for the dispersal of liquid petroleum gas.
- "Dangerous Goods"** means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX dangerous good in terms of section 2(1) of the Hazardous Substances Act, 1973.
- "Dangerous Goods Declaration"** means a document that describes and quantifies the dangerous goods being transported from a consignor to a consignee.
- "Designated Premises"** means any premises designated by the Service with a view to an emergency evacuation plan as contemplated in Section 19 of these by-laws.
- "Device"** means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being

used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

**"Discharge"** means the ignition or activation of any fireworks whatsoever.

**"Distance to be covered"** means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point in the room;

**"Diversion wall"** means solid non-combustible wall that is erected with the specific purpose of ensuring and maintaining the appropriate safety distances between the point of gas release and any drains, doors and windows in buildings and possible sources of ignition;

**"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; resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

**"Dry Cleaning Machinery"** means any machinery used or intended to be used for the cleaning or treatment of garments or textiles with the aid of Flammable Liquids;

**"Dry Cleaning Room"** means that portion of any Premises used or intended to be used for the cleaning or treatment for gain or reward of garments or textiles with the aid of Flammable Liquids in which the dry cleaning process is carried out and which has been Approved for the purpose;

**"Earth"**, **"Earthed"** or **"Earthing"** in relation to electricity means connected to the general mass of Earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger;

**"Dump"**, in relation to a grouped dangerous good, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or released in a manner that reasonably indicates the intention to abandon or discard the substance, and "dumping", "spilling" and "spill into" have a corresponding meaning;

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

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

**"Emergency Evacuation Plan"** means a written procedure and a set of detailed plans as contemplated in Annexure III to these by-laws;

**"Emergency Plan"** means a plan in writing which on the basis of identified potential incidents at the installation, together with their consequences, describes how such incidents and their consequences should be dealt with on-site and off-site;

**"Emergency Route"** means that part of an escape route which provides the occupiers of any building with protection from fire and which leads to an escape door;

**"Emergency Vehicle"** means a fire-fighting vehicle, rescue vehicle, ambulance, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service or a member of a municipal police service, both as defined in the South African Police Services Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties.

**"Environmental Impact Assessment"**, means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and Scoping and Environmental Impact Reporting (S&EIR);

**"Escape Door"** means any door at the end of an emergency route, and includes any door leading from the inside to the outside of a building;

**"Escape Route"** means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

**"Explosive(s)"** means –

- (a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;
- (b) Any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
- (c) Any other substance, which the President may from time to time by proclamation in the Government Gazette, declares to be an explosive;
- (d) A petrol bomb; and
- (f) Any container, apparatus, instrument or article which -
  - (i) contains any inflammable substance and can be used or adapted so that it can be used to cause an explosion or a fire; or

- (ii) Was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;
- "Extinguishing Stream"** means the amount of water that the Service needs to extinguish a fire;
- "Facility"** means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;
- "Feeder Route"** means that part of an escape route, which allows travel in two different directions to access doors of at least two emergency routes;
- "Fire Area"** means the area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 10090;
- "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;
- "Fireworks Display"** means the use of fireworks for purposes of a public display;
- "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-Fighting Equipment"** means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;
- "Fire Grading"** means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 10177 as amended;
- "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 Incident"** means a fire on any premises in the area;
- "Fire Installation"** means any water installation, which conveys water solely for firefighting;
- "Fire in the Open Air"** means any fire not within a building or structure, but does not include a fire in an area specifically designed for such fire, and maintained by the owner;
- "Fire Lanes"** means the road; path or other passageway constructed or designated to allow access for emergency vehicles;
- "Fire Protection Systems"** means any device or system designed and installed to —
- Detect, control or extinguish a fire, or
  - Alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;
- "Fire Risk Category"** means a fire area being divided into sub-areas, which fall into one of the following fire-risk categories:
- Category A:** Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).
- Category B:** Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralized areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).
- Category C:** Residential areas of conventional construction.
- Category D:** Rural risks of limited buildings and remote from urban areas.
- Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. This includes large shopping/entertainment centers, informal settlements, harbors, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.
- NOTE:** High-rise buildings, as defined in SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety deficiencies may, however, be classed as special risks.
- " 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;
- "Fireworks"** means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956);
- "Flammable Gas"** means a gas which at 20°C and a standard pressure of 101, 3 kilopascals-
- is ignitable when in a mixture of 13% or less (by volume) with air; or
  - has a flammable range with air of at least 12%, regardless of the lower flammable limit;
- "Flammable Liquid"** means a liquid or combustible liquid has a closed-cap flash point of 93°C or below;

- "Flammable Store"** means a store that is used for the storage of flammable liquids and complies with the criteria set out in Section 49 of this By-law;
- "Flammable Substance"** means any flammable liquid, combustible liquid or flammable gas;
- "Flash-Off Area"** An open or enclosed area after a spray application process where vapours are released due to exposure to ambient air or a heated atmosphere;
- "Gas equipment"** means gas equipment includes but is not limited to appliances, regulators, hose, piping, fittings or any other related gas component;
- "Goods Vehicle"** means a motor vehicle, other than a motor cycle, motor tricycle, motor car, mini-bus or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, haulage tractor, adaptor dolly, converter dolly and breakdown vehicle; "
- "Grouped Dangerous Goods"** means a group of dangerous goods as contemplated in section 1 of the Dangerous goods Act, 1973 (Act 15 of 1973);
- "Hazardous Substances Act"** means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;
- "Hazardous Substance"** means any hazardous substance contemplated in the Hazardous Substances Act;
- "Local Municipality"** means a Municipality within the borders of Waterberg District Municipality;
- "Major Hazardous Installation"** means an installation where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident;
- "Member"** means a member of the Service as contemplated in section 6 and 6A (5) of the Fire Brigade Services Act, 1987;
- "Mobile kitchen"** means vehicle or trailer that may be used vapour withdrawal systems for commercial or industrial catering purposes;
- "Mobile unit"** means purpose built unit, that includes but is not limited to trailers, semi-trailers, caravans, motor homes, commercial catering units, recreation vehicles and mobile ablution facilities which accommodate various appliances for gas;
- "Municipality"** means the Waterberg District Municipality;
- "Municipal Manager"** means a person duly appointed by Council as Accounting Officer of Waterberg District Municipality;
- "National Building Regulations"** means the regulations published by Government Notice R2378 of 12 October 1990 in *Government Gazette* 12780, as amended;
- "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:—
- National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;
  - National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
  - National Building Regulations (A21) means the provisions regulating the population of a building;
  - National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building, and
  - 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);
- "National Road Traffic Regulations 1999"** means regulation on transportation of dangerous goods and substances by road as prescribed in chapter 8 of the National Road Traffic Regulations.
- "Normative Reference List"** means the list of SANS specifications or codes of practice, which are contained in Annexure V to these by-laws;
- "Occupancy"** in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of "public building";
- "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;
- "Occupier"** means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;
- "On-Site Emergency Plan"** means a plan to be followed during an emergency inside the premises of an installation or part of the installation classified as a major hazard installation;
- "Outdoor Spray Area"** means spray area that is outside the confines of a building that has a canopy or roof that does not limit the dissipation of heat or dispersion of flammable vapours and does not restrict firefighting access and control;
- "Owner"**, in relation to land or premises, means the registered owner of the land or premises, and



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

**"Peace Officer"** shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 (Act No. 51 of 1997), in respect of persons authorized by the Municipality to enforce the provisions of this By-laws;

**"Pollution"** means any change in the environment caused by substances, radioactive or other waves, or noise, odours, dust or heat emitted from any activity, including the storage or treatment of waste or substances, construction and provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on material useful to people, or will have such an effect in the future;

**"Power Insulating Switch"** means a bipolar switch that can be activated with an L-type key of which one end is fitted with a bayonet-type socket switch;

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

**"Prescribed Fee"** means a fee determined by the Council by resolution in terms of section 10G (7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

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

**"Public Place"** means a public place as defined in section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

**"Pyro-Technician"** means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

**"Rational Design"** as defined in SANS 10400;

**"Registered Installer"** means person that has the ability, appropriate training, knowledge, and experience to carry out the *necessary work in a safe and proper manner, and who is registered in accordance with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)*

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

**"Reserve"** a fire brigade reserve force established by section 6A (1) of the Fire Brigade Services Act, 99 of 1987;

**"Reservist"** means a member of the reserve appointed in terms of section 6A (2) of the Fire Brigade Services Act, 99 of 1987 as amended;

**"Responsible Engineer"** means an engineer who is registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

**"Retail Dealer"** means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

**"Risk Assessment"** means the process of collecting, organising, analysing, interpreting, communicating and implementing information in order to identify the probable frequency, magnitude and nature of any major incident which could occur at a major hazard installation, and the measure required to remove, reduce or control the potential causes of such an incident;

**"Room"** means any room or other partitioning in a building;

**"Rolling Stock"** means any locomotive, coach, railway carriage, truck, wagon or similar contrivance used for the purpose of transporting persons, goods or any other thing, and which can run on a railway;

**"SABS"** means the South African Bureau of Standards;

**"SANS"** means the South African National Standards;

**"SAPS"** means the South African Police Service;



- "Service"** means the Fire Service established by the controlling authority as contemplated in Section 1 of the Fire Brigade Services Act, 1987;
- "Service Installation"** means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies;
- "Shack"** means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the regulations promulgated under that Act and the Municipality's Building Control By-laws and which is primarily used for residential purposes;
- "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;
- "Spill into"** (see the definition of "dump");
- "Spraying Area"** means any fully, partly enclosed or unenclosed area in which dangerous quantities of flammable or combustible vapours, mists, residues, dusts or deposits are present due to the operation of spray processes (any area in the direct path of a spray application process, the interior of a spray booth or spray room, the interiors of the exhaust plenum, eliminator/scrubber section, exhaust duct or stack).
- "Spraying Booth"** means a power-ventilated enclosure for a spray application operation or process that confines and limits the escape of the material being sprayed, including vapours, mists, dusts and residues and conducts or directs these materials to an exhaust system. The booths can be of the Dry, or Water-Wash type;
- "Spraying Permit"** means a permit issued by the Service in terms of Section 48(1) (a) of these by-laws;
- "Spraying Room"** means a power ventilated fully enclosed room or structure used exclusively for open spraying of flammable or combustible materials and /or intended to be used for the purpose of spraying Vehicles or articles;
- "Spraying Room"** means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and "spraying booth" and "submersion tank", as well as any related process involving electrolysis, have a corresponding meaning;
- "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 Tank"** means a metal tank of adequate strength used or intended to be used for the storage or conveyance of Flammable Liquids or substances;
- "Storage Vessel"** means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;
- "Storeroom"** means a room, which is constructed, equipped and maintained as contemplated in section 46 of these by-laws;
- "Storey"** means that part of a building which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building -
- (a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, the lower or lowest of these storeys;
  - (b) A basement will be regarded as any part of the building, which is below the level of the ground storey;
  - (c) An upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
  - (d) The height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;
- "Temporary structure"** means any structure that is apparently temporary in nature;
- "Transport Emergency Card"** means document carried in the cab of any vehicle carrying dangerous

- goods to instruct the driver and emergency personnel in the event of an incident;
- "Underground tank"** means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;
- "Use"** in relation to fireworks means discharging, lighting or igniting;
- "Vegetation"** includes grass, weeds, leaves, shrubs and trees;
- "Vehicle"** includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, a tank truck or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996), as the case may be;
- "Ventilation"** means the changing of air within a compartment by natural or mechanical that is provided for the prevention of fire and explosion and is sufficient to prevent accumulation of vapour-air mixtures in concentrations over 25% of the lower flammable limit;
- "Wheel Blocks"** means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity; and
- "Wholesale Dealer"** means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale;

## CHAPTER 2

### ESTABLISHMENT OF FIRE SERVICE AND APPOINTMENT OF MEMBERS

#### 3. Part 1: Establishment of Services

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

#### 4. Part 2: Appointment of Members of Services Chief Fire Officer

- A controlling authority shall appoint a person who possesses the prescribed Qualifications and experience, as Chief Fire Officer to be in charge of its service;
- A person who immediately prior to the commencement of this Act was in the service of a local authority as a Chief Fire Officer in terms of a law which is repealed by this Act shall be deemed to have been appointed in terms of subsection (1);
- Whenever a Chief Fire Officer is for any reason unable to perform his duties of office, the controlling authority shall appoint a member of the service as acting chief fire officer to perform the duties and functions of the chief fire officer.

#### 5. Member of the service

- (1) A controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of its service to perform such functions as may be assigned to him by the chief fire officer: Provided that a controlling authority may, after due consideration of the peculiar circumstances of a specific case, appoint any person who does not possess the prescribed qualifications and experience as a member of its service subject to the general conditions determined by the Board.

#### 6. Reservist

- A controlling authority may establish a fire brigade reserve force for its area of Jurisdiction;
- A controlling authority may, on the prescribed conditions, appoint a person who applies therefore, as a member of a fire brigade reserve force;
- A member of a fire brigade reserve force shall be a temporary member of the service and shall perform the functions entrusted to him by the Chief Fire Officer, or a member of the service acting on behalf of the chief fire officer: Provided that a member of a fire brigade reserve force

- may, as far as possible, only be employed for the performance of those functions for which he, in the opinion of the chief fire officer has received adequate training;
- (4) A controlling authority may at any time discharge a member of a fire brigade reserve Force;
  - (5) A member of a fire brigade reserve force shall have the same powers as a member of the service and shall, in the performance of his functions, be regarded as a member of the service.
  - (6) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Limpopo, against payment of the tariffs determined in Annexure I to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

### CHAPTER 3

#### ADMINISTRATIVE PROVISIONS

##### 7. Administration and Enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this By-law.
- (2) Where no Chief Fire Officer has been appointed 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.

##### 8. Delegation

- (1) A Chief Fire Officer may delegate any power granted to him in terms of this By-law and 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.

##### 9. Enforcement Provisions

- (1) A controlling authority may, whenever he/she 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;

##### 10. Authority to Investigate

- (1) 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;

##### 11. Failure to Comply with Provisions

- (1) When a controlling authority finds that there is non-compliance with the provisions of this By-law by any person or that a condition has arisen that has the potential to lead to a contravention of this By-law or any other law excluding the situation in section 4(2), he or she written compliance notice must be issued and include the following:-
  - (a) May issue a compliance notice to the person contravening with this By-law or any other law;
  - (b) Provisions of this By-law that are being contravened;
  - (c) The remedial action required, and
  - (d) set forth the time period in which the notice must be complied with;
- (2) A compliance notice issued in terms of subsection (1) must state:-
  - (a) The provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
  - (b) The remedial action required, and
  - (c) set forth the time period in which the notice must be complied with;
  - (d) Name and address of the owner/occupier

- (3) 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.
  - (4) 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;
  - (5) If a person on whom notice was served in terms of Subsection (1), fails to comply with the requirement of the notice, the controlling authority may for the purpose of this By-law, take such steps as may be necessary to rectify the condition at the cost of the person in contravention with the provision of this By-law or other law;
  - (6) Any person who fail to comply with a compliance notice issued in terms of subsection (1) commits an offence;
  - (7) The controlling authority shall in respect of a person who fails to comply with a compliance notice on several occasions-
    - (a) keep record of non-compliance and consider any appropriate action as may be required; and
    - (b) issued with notice, fine and imprisonment.
- 12. Denial, Suspension or Revocation of an Approval of Certificate or Permit**
- (1) The 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;
    - (c) Take such steps as may be necessary in terms of this By-law and the transgressor shall be liable for any costs incurred thereby;
- 13. Records Required**
- (1) The safekeeping of all relevant records and documents is the responsibility of the Controlling Authority.
- 14. 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;
- 15. Reporting a Fire Hazard and other Threatening Danger**
- (1) The 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;
- 16. Pretending to be a Member/Member Wearing Misleading Rankings**
- (1) No person, except a member of service, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member of the service.
  - (2) No person may falsely present himself/herself as a member of the service or pretend to be a member of the service.
- 17. Certificate to Identify a Member of Service**
- (1) Any person who so pretends to be or presents himself/herself as a member of the service must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, or by furnishing proof of identity within a reasonable period.
  - (2) Any person who contravenes or fails to comply with this section is guilty of an offence.
- 18. Powers of Members and Designated Officers**
- (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
  - (2) A designated officer may -
    - (a) Seize any certificate of compliance, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being

- complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
- (b) Institute the relevant prosecution in connection with subsection (2) (a) or have the prosecution instituted, as the case may be; and
  - (c) Seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of compliance, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:
    - (i) The Chief Fire Officer or the delegated member must grant prior approval in writing for the seizure.
    - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
    - (iii) After an order issued in terms of the Fire Brigade Services Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken;
- (3) Any member may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
- (4) (a) Designated officers must be -
- (i) Suitably trained and certified as peace officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
  - (b) All designated officers have the power -
    - (i) In terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
    - (ii) In terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
    - (iii) In terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
    - (iv) In terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
    - (v) In terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

#### **19. Making Service Equipment and Manpower Available**

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

### **CHAPTER 4**

#### **FIRE PROTECTION AND FIRE-PREVENTION**

#### **20. Part 1: FIRE PROTECTION**

##### **Application for approval of plans**

- (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and SANS10400 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage or handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.



- (2) The prescribed fees payable to the Service for the approval of plans are determined by Council by approval of tariffs annually, but exclude the fees charged by the Building Control Officer for the approval of plans.
- (3) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.
- (4) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Fire Safety Section of the Service, as the case may be. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (5) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
- (6) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence;

**21. Registration Application For Existing Premises**

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

**22. Fire Protection Requirement for Premises**

- (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, are, for the purposes of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drainage;
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
  - (a) The access to the transformer room (s) is situated on the outside of the building; and
  - (b) Provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SANS 10087, and SANS 10089, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 10287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with any of the provisions of SANS 10400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

**23. Design and Construction of Temporary Structures and Tents**

- (1) Any person or organisation who intend to construct, erect tent/marque or temporary structure
- (2) to hold an event or public gathering shall apply to the controlling authority by completing and submit an application forms provided in Annexure 1 together with proof of payment of the prescribed fee to the fire service for the issuing of certificate;
- (3) Application must be made prior to the erection of a tent/marquee for an event and/or function and such date must be at least seven (7) working days prior to the proposed erection of such a tent for an event and/or function;
- (4) Notwithstanding the provisions in subsection (2) an application for compliance certificate in terms of the event must be submitted at least twenty (20) days before the intended event;
- (5) A compliance certificate in terms of the event is only valid for the duration of that particular event, entertainment or public assembly;



- (6) No certificate of compliance will be issued for a public building or temporary structure unless the relevant provisions of these by-laws have been complied with;
- (7) The compliance certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1);
- (8) Fire service will conduct an inspection on that premises or event 48 hours before the commencement of the event;
- (9) An application must be made to the fire service to conduct a fire safety inspection and comment on evacuation planning; fire installation systems, emergency exits and escape routes;
  - (a) The application must be accompanied by event categorization certificate from the South African Police Service;
  - (b) Submit an application in terms of the National Building Regulations (A20 and A23) to the Municipality for the erection and usage of the tent; and
  - (c) Submit an application in terms of section 24/20 (4) of this By-laws to the controlling authority for a temporary compliance certificate;
  - (d) If the applicant is not the owner of the property where the temporary structure will be erected, an original Power of Attorney must be submitted.
- (10) The following documents, together with the application form, must be submitted to the Controlling Authority;
  - (a) Site plan showing the following on scale:
    - (i) the position of the tent;
    - (ii) toilet facilities;
    - (iii) entrance to the premises;
    - (iv) parking area to be provided
  - (b) Layout drawings (scale) showing the following:
    - (i) Size, form and materials of construction;
    - (ii) Use of the proposed structure;
    - (iii) Position of all fire-fighting equipment;
    - (iv) Openings for lighting, ventilation and fire escapes/accesses
- (11) Floor coverings, combustible decorative materials and effects shall be composed of flame-resistant material or shall be treated with flame retardant in an approved manner;
- (12) After the erection has been completed, the applicant must arrange for an inspection with the Controlling Authority prior to the proposed event or function and the following documents must be submitted additional to the previously submitted documents:
  - (a) An original Engineer's Compliance Certificate for the erection of a Marquee tent and stage area;
  - (b) The trade name and type of flame retardant utilized in the flame-retardant Treatment;
  - (c) Normal (non-marquee tents) compliance certificate;
- (13) The application submitted in terms of subsection (1) (a) must comply with the following:
  - (a) Tent must be erected at least 4.5m from a boundary, combustible stores 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 4.5m 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:
    - (d) Where the population of a tent exceeds twenty-five (25) people;
    - (e) Where the tent is occupied during the hours of darkness;
    - (f) For seating arrangements and aisle dimension; and
    - (g) For the provisions of fire extinguishers;
  - (h) The population density of a tent must comply with the National Building Regulations (A21);
  - (i) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be out in a separate tent or an area to which the public does not have access;
  - (j) No open fire is permitted in a tent and any other flame emitting devices, such as a candle, lantern or torch not limited thereto, is only permitted in a tent after approval by the controlling authority;
  - (k) No open fire or flame is permitted within five (5) metres of a tent, stake or guidelines of

- a tent; Exemptions
- (l) Smoking is prohibited in a tent and a **No Smoking** sign and other symbolic safety and warning sign must be prominently displayed at each entrance and must comply with SANS 1186;
- (m) Lighting and wiring installed in a tent must comply with the requirement set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard;
- (14) Notwithstanding the provisions in subsection (1) and (2) the controlling authority may request the applicant to fulfil additional requirement for the erection and usage of a tent;
- (15) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence;

## 22. Rational Designs

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

## 23. Requirement of Fire Doors and Assemblies

- (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door;
- (2) A fire door may be kept open, only when it is equipped with automatic releasing hold-open device approved by the Municipality;
- (3) A 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;
  - (f) Any other actions that renders a fire door or assembly less effective;

## 24. Requirement of Emergency Exit and Escape Routes

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

- (b) Is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (5) Every owner of a building must ensure that any door in a feeder route–
  - (a) Is a double swing-type door.
  - (b) is not equipped with any locking mechanism.
- (6) Notwithstanding the provisions of subsection (8), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer;
- (7) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

**25. Installation of Extractor Fan Systems**

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

**26. Requirement for Sprinkler Systems**

- (1) If a sprinkler system is required in any building in accordance with SANS 10400, SANS 10087 or SANS 10089 or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system;
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed –
  - (a) in accordance with SANS 10287; and
  - (b) In compliance with the requirements of SANS 10400 insofar as it relates to fire protection;

**27. Requirement of Fire Extinguishers**

- (1) Fire extinguisher 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) When the controlling authority finds that a fire extinguisher has been refilled, recharged, reconditioned, modified, repaired or tested by a person not in possession of a permit mentioned in section 16/46 (1) (c); 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 permit or certificate;
- (3) 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 premise to have the appliance inspected and tested in terms of SANS 1475 and SANS 1571;
- (4) The owner or person in charge of the premises, land or vehicle must ensure that, person who charged, reconditioned, refill, modified, inspect, repaired or test a fire extinguisher issue him/her with the certificate of compliance;

**28. Water Supply for Fire-Fighting**

- (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire) as well as SANS 11200 specifications. The Red Book-Guidelines for the provision of Engineering Services and Amenities shall also be applicable.
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practise.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service. In the case of township development the fire hydrant spacing must be in accordance with SANS 10090 (Community Protection against Fire) as well as SANS 11200 specifications. The Red Book-Guidelines for the provision of Engineering Services and Amenities shall also be applicable.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer;

- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure II to these by-laws, from the Service, for submission to the Water Supply Division of the controlling authority: Provided that -
- (a) If the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
  - (b) If the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in SANS 10400, the owner of the premises must provide the required water supply; and
  - (c) The size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (5)(a), must be calculated and designed according to the provisions of SANS 10400 and SANS 10252;
  - (d) No person may obtain a water connection to the water reticulation system of the council unless the fire protection plans for the premise to be connected have been approved by the Chief Fire Officer;
  - (e) Every person or owner of premise who requires a water connection to the reticulation system of the council must-
    - If the premises to be connected are protected by a sprinkler installation ensure that-
      - (i) The connection is calculated and designed for each sprinkler installation in accordance with rational design as contemplated in the National Building Regulation and Building Standard Act, and
      - (ii) The size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
    - (f) Chief Fire Officer may requires a larger water connection for the purpose of firefighting;
    - (g) Ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400 and
    - (h) Ensure that the water installation upon completion complies with the provisions of SANS;
- (6) Every person who develops or redevelops a township must ensure that:
- (i) The storage capacity and rate of replenishment of the reservoirs supply water to the township are sufficient for the fire fighting purposes contemplated in this By-laws;
  - (ii) The water from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two direction; and
  - (iii) Double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply;
  - (iv) The water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 meters in any high risk area or for more than 300 meters in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence;

## **29. Application for Certificate of Compliance**

- (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the prescribed fees, as approved by Council when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
- (a) Fire Protection plans have to be submitted for approval by Council, which complies with the requirements as stipulated in the National Building Regulations and Building Standard Act (Act No. 103 of 1977), SANS10400 , and Safety at Sport and Recreation Events Act (Act No.2 of 2010) and SANS 10366;
  - (b) An application for an event risk categorization certificate with regards to fire safety requirements for events must be completed by the venue owner. The venue has to be designed for events according with SANS 10400, SANS10366 and Safety at Sport and Recreation Events act (Act No. 2 of 2010);
- (2) An application contemplated in subsection (1) must be submitted at least thirty (30) days before intended public gathering;
- (3) The certificate of compliance is valid for twelve (12) calendar months;

- (4) The provisions of this subsection are not applicable to any action, which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (5) Where so required by the Chief Fire Officer the attendance of the Service shall be provided for;
- (6) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorization granted in terms of these by-laws;
- (7) If the trade name of the public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the Service immediately and in writing;
- (8) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorization granted in terms of these by-laws;
- (9) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence;

### **30. Requirements for Compliance Certificate**

- (1) No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority -
  - (a) Is in possession of a set of plans referred to in section 24/20 of these by-laws and approved by the Service; and
  - (b) Has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
  - (c) Unless the building or temporary structure complies with the requirement of this By-laws; and

### **31. Contents of Compliance Certificate**

- (1) A certificate of compliance issued to the owner of a public building will be endorsed with the following information, where applicable:
  - (a) The trade name and street address of each occupier
  - (b) The type of activity of each occupier
  - (c) The name of the persons on the executive
  - (d) The permissible number of people in proportion to the usable floor area
  - (e) The number of emergency exits and their widths
  - (f) A cancellation clause in the event of any applicable provision of these by-laws being disregarded
  - (g) An obligation on the part of the holder of the certificate to –
    - (i) Display the certificate prominently on the premises at all times; and
    - (ii) Maintain the certificate in a legible condition at all times
  - (h) A date, year and serial number
    - (i) The date of expiry of the certificate.

### **32. Duties of Holder of Certificates and Permits**

- (1) Every owner, occupier or person in charge of a building, storeroom of flammable substance, spray-painting room, transport of dangerous goods vehicles and storage facilities must ensure that they comply with the requirement of this By-law and other applicable law;
- (2) The holder of a certificate or permit for specific premises must ensure that the certificate is kept on the premises for inspection at all times
- (3) If the trade name of a public building changes, the holder of the certificate or permit must ensure that the change is brought to the attention of the fire service immediately and in writing;
- (4) The holder of a compliance, registration certificate, transport or spray-painting permit must –
  - (a) Comply with the provisions of the certificates and permits at all times;
  - (b) Display the certificate and permits prominently on the premises and vehicles;
  - (c) Maintain the certificate and permits in a legible condition;
  - (d) Immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier, owner of the vehicle, building or structure; and
  - (e) Submit any application for renewal of the certificate or permit at least 30 days before its expiry in the form and manner determined by the Council together with the prescribed fee.



- (5) Any person who holds a certificate, permit or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with
  - (a) Portable fire extinguishers that comply with requirement in SANS 1910 and maintained and serviced in accordance with SANS 1475;
  - (b) If applicable, hose reels that comply with requirement in SANS 453 and maintained, serviced in accordance with SANS 1475, maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
  - (c) If applicable, fire hydrants that comply with the requirement in SANS 1128 and maintained, serviced in accordance with SANS 1475;
  - (d) If applicable, in relation to any above-ground facility, a sprinkler system or deluge system that is approved by the Chief Fire Officer and with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises;
- (6) Any person who holds a certificate, permit must position firefighting equipment prominently or where this is not possible, the position of the firefighting equipment is clearly indicated by a symbolic safety signs in accordance with the specifications of SANS 1186; and to the satisfaction of the Chief fire Officer.
- (7) Any person who fails to comply with the provisions of this section or who alters a certificate, permit or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.

### 33. Renewal of Certificates and Permits

- (1) The owner, Operator or person in charge of the premises, vehicles, stores and spray-painting room must annually apply to the Controlling Authority to renew Permits or Certificates thirty (30) days before the expiry date on the certificate or permit;
- (2) Application forms for the renewal of the certificate or permit must be completed and submit to the Chief Fire Officer, together with the prescribed fees determined in Annexure I to these by-laws,
- (3) The Chief Fire Officer may for some reason require further, additional and/or amended plans of the premises in question for the purposes of the renewal of the certificate together with the application forms;
- (4) The certificate or permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (5) The Chief Fire Officer may send a reminder for renewal of the certificate or permit to the owner of the vehicle(s), premises, spray-painting room and flammable stores. A holder who has not received a reminder is not indemnified from possible prosecution. If a person contemplated in Subsection 1 does not annually apply to the Controlling Authority for the renewal of Permit or Certificate, Permit or Certificate will lapse and the Controlling Authority is under no obligation to notify any person to renew the Permit or Certificate.
- (6) The period of validity will be calculated from the date of issue of the original certificate or permit;
  - (i) compliance certificate in terms of an event is valid for the duration of the event;
  - (ii) certificate in terms of building compliance is valid for twelve months;
  - (iii) registration certificate in terms of storage for dangerous goods is valid for twelve months;
  - (iv) permit for the transportation of dangerous goods is valid for twelve months
- (7) Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a certificate and permit or who permits it to be altered, is guilty of an offence.

### 34. Cancellation of Certificates and Permits

- (1) Chief Fire Officer may cancel any certificate or permit in respect of a building, temporary structure, dangerous goods transport and storage facilities if he or she has reason to believe that -
  - (a) The owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
  - (b) The building, temporary structure, dangerous goods transport and storage facilities contravenes or does not comply with the requirements of these By-laws.
  - (c) The owner has given false information, obtained certificate or permit through fraud, non-disclosure of material information on an application form submitted;
  - (d) The owner has wilfully or negligently made an incorrect or false statement in a placards affixed by him;
  - (e) The owner committed a breach of or failed to comply with any provisions of these By-laws and other legislations;
  - (f) The owner has performs any act or duty under this By-laws in an negligent manner;
  - (g) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the



cancellation of the certificate of compliance, including any other authorisation granted in terms of these by-laws:

(h) An operator cause such a severe breach of a Dangerous Goods vehicle permit that in the opinion of the Controlling Authority, the cancellation of all Dangerous Goods vehicle permit issued to the operator, recur, or was found guilty of dishonesty or fraud by a court of law

- (2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate or permit as contemplated in subsection (1), he or she must –
  - (a) Give the owner or occupier concerned written notice of the intention to cancel the certificate or permit and the reasons for such cancellation;
  - (b) Give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter or as to why the certificate or permit should not be cancelled; and
  - (c) Consider any representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate or permit within the period contemplated in subsection (2) (b), may endanger any person or property, he or she may cancel a certificate or permit with immediate effect and direct the holder of such certificate or permit to cease any activities that have been commenced or refrain from commencing with activities without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate or permit in terms of subsection (3), he or she must-
  - (a) Furnish the owner or occupier of the building, temporary structure, dangerous goods transport and storage facilities concerned with written notice of the cancellation;
  - (b) Provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and
  - (c) The owner or occupier may within the said period of twenty (20) days submit written representations for consideration;
- (5) The Chief Fire Officer may within 20 days of receipt of representations, alternatively within 20 days of expiry of the time period must consider the representations contemplated in subsection (4), if any must inform the applicant in writing of its decision to-
  - (a) Cancel the certificate or permit;
  - (b) Reverse or lift the decision to cancel the certificate or permit;
  - (c) Partially withdraw certificate or permit;
- (6) In the event that the Chief Fire Officer requires further information in order to take a decision contemplated in subsection (5) shall-
  - (a) Within 20 days' time period and in writing request to the holder such further information;
- (7) Where further information is requested, the Chief Fire Officer shall have a further 20 days period from the date of receipt of this information, in which to make its decision in terms of subsection (5)(a)(b)(c);

### **35. Replacement of Certificates and Permits**

- (1) A person whose certificate or permit is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for replacement of such certificate or permit;
- (2) The certificate or permit may be replaced without following the procedural requirement for the initial applications contemplated in this By-law, if the purpose is to correct an error and the correction does not change the right and duties of any person or any information regarding the material; and
- (3) When will not change the scope of a valid certificate or permit or increase the quantity and alter with the inspection outcome that was initially conducted and considered when application was first made for certificate or permit
- (4) An application in terms of subsection (1) shall be accompanied by an affidavit, as to the circumstances in which the certificate or permit was lost, destroyed or damaged as the case may be and the proof of payment of the prescribed fee;
- (5) Application for such replacement is made to the Chief Fire Officer on the prescribed form, Annexure II of this By-law;

### **36. Transfer of Certificate and Permits**

- (1) A certificate or permit may be transferred from one person to another, but shall not be transferred from one premise to another or from one vehicle to another; and
- (2) The Chief Fire Officer may only consider the application for transfer made in relation to the change of ownership or transfer of rights and obligations

- (3) A person desiring or intending for such transfer, shall make an application in writing to the Chief Fire Officer and such application shall be accompanied by a current valid certificate or permit relating to the premises or vehicles in respect of which such transfer is intended; and
- (4) An application contemplated in subsection (3) shall be accompanied by an affidavit, as to the circumstances in which the certificate or permit must be transferred as the case may be and together with the prescribed fee;
- (5) Application for such transfer is made to the Chief Fire Officer on the prescribed form I Annexure III of this By-law;

**37. Amendments of Certificates and Permits**

- (1) Any person who has a legal certificate or permit on his/her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by proof of payment of the prescribed fee;
- (2) The certificate or permit may be amended without following the procedural requirement for any applications contemplated in this By-law, if the purpose is to correct an error and the corrections does not change the right and duties of any person or any information regarding the material; and
- (3) When will not change the scope of a valid certificate or permit or increase the quantity of the material, the size or the capacity of the storeroom and alter with the inspection outcome that was initially conducted and considered when application was made for certificate or permit;
- (4) (Whenever the Chief Fire Officer approves such an application, the person concerned must hand in the initial certificate or permit to the Chief Fire Officer to be amended.
- (5) The Chief Fire Officer will grant the certificate or permit only if the proposed amendments comply with the provisions contemplated in subsection (2) and (3);
- (6) The Chief Fire Officer may not consider amendments if-
  - (a) Such amendments will result in an increase level of fire risk and nature of impact will have on the community, property and environment;
  - (b) The premise was not inspected by the service in the initial application for certificate or permit;
  - (c) The amendment does not, on its own, constitute listed or specified activities;
- (7) The Chief Fire Officer may request the holder of certificate or permit to furnish additional information;

**38. Access for Firefighting and Rescue Purposes**

- (1) All premises in the area must be planned, designed and constructed so as to ensure that -
  - (a) The requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
  - (b) If a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
  - (c) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 3,5m wide and 4,2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5 m.
- (2) The appropriate street number of every built-up premise within the area must be displayed clearly on the street boundary of the premises in question. This number must be 75mm high and must be visible from the street.
- (3) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times;
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence;

**39. Barricading of Vacant Building**

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

building by any unauthorised person.

#### **40. PART 2: FIRE PREVENTION**

##### **Inspection of properties and instructions to occupier**

- (1) Any officer contemplated in section 16/18(4) of these by-law may, in executing all powers delegated in terms of Fire Brigade Services Act (Act No.99 of 1987) as amended together with the applicable legislations, enter any premises, land at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods or other hazard on the premises.
- (2) Whenever in the opinion of an officer contemplated in subsection (1) any trees, bush, weed, grass or any other matter situated on any land, premises constitutes or is likely to constitute a threat of fire or likely to spread the fire, he/she may cause a notice to be served on the owner, occupier of such land or premises calling on him or her to remedy such conditions within a specified period;
- (3) Whenever an officer contemplated in subsection (1) finds obstruction to or on fire escapes, stairs, passages, doors, windows or vestibules which are liable to interfere with the operations of the service or the egress of peoples in case of fire or finds any obstructed, defective firefighting equipment he/she shall make such order as he/she deems necessary to remedy the situation
- (4) An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction, notice and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
- (5) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (4), inform the Chief Fire Officer forthwith in writing about the measures which the owner intend taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
- (6) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures;
- (7) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

##### **41. Accessibility of Fire-Fighting Equipment and Mitigating Agents**

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

##### **42. Maintenance of Fire-Fighting Equipment and Mitigating Agents**

- (1) The owner of any premises must ensure that -
  - (a) All fire-fighting equipment, mitigating agents or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS as contemplated in SANS 1475 and registered in terms of SANS 1475;
  - (b) Fire extinguishers are maintained strictly in accordance with the requirement of Occupational Health and Safety Act, Act No. 85 of 1993, Pressure Equipment Regulations (Regulation 17), SANS 1475, SANS 1571, SANS 1573 and SANS 10105;
  - (c) The person maintaining fire equipment is in possession of a permit issued by the South African Bureau of Standard or certificate of competence issued by the South African Qualifications Certification Committee-Fire;
  - (d) Hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;
  - (e) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
  - (f) Installations are inspected by a registered and competent person at least every twelve-calendar month; and
  - (g) Comprehensive service record of all fire-fighting equipment and service installation on the premises is maintained and furnished to the Chief Fire Officer every 12 months;

- (2) Any person who check, service, renew, replace or work on any fixed service installation must –
  - a. On completing the inspection, service, renew, replace or repair as the case may be certify in writing that the equipment or installation concerned is fully functional; and
  - b. Furnish the certificate of compliance to the owner of the premises or;
  - c. Notify the Service immediately in writing if he/she finds that the service or installation cannot, for whatever reason, be readily repaired to its functional state;
- (3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submit the record to the Service upon request by the designated officer;
- (4) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises;
- (5) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises;
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence;

**43. Prohibitions for Maintenance of Fire-Fighting Equipment**

- (1) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475;
- (2) The owner or a 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 section 16/46 (1) (c);
- (3) 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;
- (4) 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;
- (5) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises;
- (6) Except for the purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises;

**44. Emergency Evacuation Plans**

- (1) The owner, occupier or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancies which has a population in excess of twenty-five (25) persons including staff members, must formulate an emergency evacuation plan detailing the appropriate action to be taken by staff or occupants in the event of a fire or other threatening danger;
  - (a) within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
  - (b) constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
  - (c) Ensure that –
    - (i) The emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
    - (ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
    - (iii) The emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
  - (d) Identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
  - (e) 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 testing must be kept in a register;
  - (f) The register mentioned in subsection (1) (d) must contain the following information:
    - (i) The date and time of the test;
    - (ii) The number of participants;
    - (iii) The outcome of the test and any corrective actions required; and
    - (iv) The name and signature of the person supervising the test;

- (g) An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.
- (2) The Service may from time to time -
  - (a) Provide directives for updating and/or amending an emergency evacuation plan;
  - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
  - (c) Require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
- (3) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan, must be available on the premises for inspection by the controlling authority;
- (4) The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **45. Prevention and Control of Overcrowding**

- (1) Prior to the usage of a premises for entertainment or public assembly, event, the owner or person in charge of such premises must submit an application for either a temporary or permanent compliance certificate to the controlling authority, as prescribed in Annexure II of these By-laws;
- (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 premise or the event organiser to apply for either temporary or permanent compliance certificate as contemplated in section 21/33, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A 20);
- (4) The controlling authority may refuse to issue a temporary or permanent compliance 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/she must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premise safe prior to the usage of the premises and the issuing of the temporary or permanent compliance certificate;
- (5) If any time the controlling authority becomes aware that the usage of the premises is not in accordance with the compliance certificate issued, he/she must act in terms of section 9 (2) or 10 (1) and section 11 of this By-laws;
- (6) The compliance certificate must be displayed in a clear visible and conspicuous space, in a position of an event organiser or on the premises for which the certificate was issued;
- (7) The owner or person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent compliance certificate;

#### **46. Prohibitions of Public Gatherings**

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of compliance contemplated in section 21/33 has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of compliance previously issued in terms of this subsection has not yet expired;
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these By-laws, unless after that date:
  - a. The building or temporary structure is rebuilt, altered, extended or its floor layout is changed or;
  - b. Ownership or control of the building or structure changes;

#### **47. Pollution and Prevention**

- (1) No person, owner, occupier or employee of the premises or land shall cause, permit or allow flammable liquids and substances or any other hazardous substances to enter any, pit, borehole sewers, drains, rivers, dams, waste or foul water or storm water drainage whether underground or on the surface;
- (2) Any person in charge of the premises, vehicles, land or employee who becomes aware of any escape, whether accidentally or otherwise of any quantity of flammable liquid and substances likely to constitute a fire hazard from such premises or vehicle into any sewer or drain shall report that escape to the Chief Fire Officer;
- (3) A person in subsection (1) who performs any activity which causes or likely to cause pollution



of a water resource, must take all reasonable measures or steps to prevent any such pollution from occurring, continuing or recurring as contemplated in the National Water Act (Act No. 36 of 1998), National Environmental Management Act (Act No. 107 of 1998) and Regulations;

- (4) In an emergency incidents where hazardous substances spilled in rivers, dams, sewer, drains or land the responsible person or any person involved in the incident must as soon as possible and practicable report the incident to the Municipality, Fire Brigade Services, South African Police Services, Department of Water and Sanitation, Department of Environmental Management or other relevant departments;
- (5) A person in subsection (1) who cause, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent it from occurring or recurring in terms of National Environmental Management Act (Act No. 107 of 1998);
- (6) No person may dump or spill or allow the dumping or spilling of any flammable substances into any borehole, pit, sewer, drain system, surface water or at any dumping site;
- (7) Person in subsection (1) has the responsibility to inform and educate employees about the environmental risks of their work;

**48. Testing and Maintenance of Fire Protection Systems**

- (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 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 recognized national code or standard, and in the absence of a national code or standard and applicable international code or standard must be used;
- (3) 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;
- (4) 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;
- (5) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternative equipment to maintain the level of safety within the premises;
- (6) The owner or a person in charge of any premises in which any fire extinguisher, fire alarm and sprinkler system, fire hydrant and hose reels been installed in terms of National Building Regulations, South African National Standards code and other relevant legislations shall cause all fire systems to be examined at least once every calendar year by a trained, competent person registered with accredited institutions or committees as contemplated in section 16/46 (1) (c);
- (7) A comprehensive service record of all fire protection systems, service, and installations on the premises is maintained and furnish to the Chief Fire Officer every twelve months or when requested by the fire officer;
- (8) Competent person contemplated in subsection (6) shall issue the owner, person in charge with the certificate of compliance;

**49. Prohibitions for Testing, Maintenance of Fire Protection Systems**

- (1) 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; or
  - (a) The system is activated for the purpose of an emergency evacuation drill or test is performed as contemplated in section 50 of these By-law;
- (2) 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;

**50. Fire Alarms and Fire Hydrants**

- (1) Without compensation to the owner of the premises concerned, the controlling Authority may cause:
  - (i) A fire alarm;
  - (ii) A transmission instrument for calls of fire or other emergency; or
  - (iii) 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 premise, 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 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, painted marker to be removed without compensating the owner of the premise concerned;
- (4) An unauthorized person is prohibited from removing, defacing, altering, tempering 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;

#### **51. Displaying of Escape Routes Plan**

- (1) The owner, person in charge of hospital, residential institutions, hotel, guest house, hostel, old age homes or other similar occupancies designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in any room designed for sleeping purposes;

#### **52. Electrical Fitting, Equipment and Appliance**

- (1) No person may cause or allow-
  - (a) Any electrical supply outlet to be overloaded; or
  - (b) Any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property;

#### **53. Flame-Emitting Devices**

- (1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property;

#### **54. Combustible Materials and Refuse**

- (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property;
- (3) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the Waste Act (Act No.59 of 2008) as amended, National Environmental Management Act (Act No. 107 of 1998) as amended and other applicable legislations, 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;
- (4) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquids; unless-
  - (a) The sawdust or similar combustible material is disposed-off according to Waste Act (Act No. 59 of 2008) as amended or by a registered waste management company;
- (5) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such a quantities or in any manner that may pose a fire hazard to any person or property;
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence;

#### **55. Prohibitions of Making Fires**

- (1) No person may, subject to provision of the Veld and Forest Fire Act No.101 of 1998 and Environmental Management Act No.107 of 1998, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to -
  - (a) A fire in an approved, purpose-made stove, fireplace or hearth, which is an integral part of a structure;
  - (b) A fire for preparing food on private premises or premises set aside for that purpose; and
  - (c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.

- (2) No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

**56. Control and Maintenance of Fire-Breaks or Fire-Belt**

- (1) The owner or occupier of premises or land in the area may not permit the premises or land to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property
- (2) The owner or occupier of -
  - (a) An erf, site, stand or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by -
    - (i) Cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
    - (ii) Cutting around any shrubs and/or trees, which may be standing in the area being cut;
    - (iii) Pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
    - (iv) Removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed to an approved refuse disposal site; and
  - (v) An agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5m belt, a 5m belt is also maintained around those obstructions;
  - (vi) No burning will be approved by the Chief Fire Officer or Fire Protection Officer if the weather conditions and fire index rating is not favourable to allow burning of fire breaks;
- (3) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply *mutatis mutandis* to the application of this section.
- (4) No person may clear or maintain a safety fire break by burning without consulting a Fire Protection Association Officer in the area and prior written permission from the Chief Fire Officer;
- (5) Any person who intends to clear or maintain a safety fire break by burning must:
  - a. Apply in writing to the Fire Protection Officer (FPO) for permission, stipulating the property concerned and the proposed date and time of the burning; and
  - b. Unless the burning is to be performed by person or body accredited for this purpose by the council, request the service to provide assistance at the burning against payment of the prescribed fee;
- (6) No burning will be approved by the Chief Fire Officer or Fire Protection Officer if the weather conditions and fire index rating is not favourable to allow burning of fire breaks;
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence;

**CHAPTER 5**

**STORAGE OF DANGEROUS GOODS or F/SUB**

**57. Application for storage of DG/Flammable Substances**

- (1) The owner or person in charge of the premises who intend to use, handle or store any flammable substances must complete and submit an application forms provided in **Annexure IV** together with the prescribed fee for the issuing of certificate of registration contemplated in section 62, and certificate will be issued in respect of the specific quantities and appropriate devices on approved premises;
- (2) The Chief Fire Officer may refuse to issue the certificate of registration if the premises do not comply with the requirements of the National Building Regulations and Building Standard Act, as well as additional requirement set out in this By-law, and where the controlling authority is of an opinion that the non-compliance of the premise can be remedied, he /she must instruct the owner or person in charge of the premise in writing to take all reasonable steps to render the premise safe prior to usage;

- (3) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee;
  - (4) If the applicant is not the owner or the person in charge of the premise on which the hazardous substances are to be stored, installed and erected, the applicant must before applying for certificate or permit for such activity, obtain a written consent of the owner of premise or landowner to undertake such activity on the premise or land;
  - (5) No person may commence or continue with any activity on the premises on which is intend to be used to handle, store, install hazardous substances, unless-
    - (a) The competent authority, as the case may be has granted an environmental authority for the activities; or
    - (b) The activities are done in terms of National Environment Management Act (Act No. 107 of 1998) as amendments;
    - (c) A signed on-site emergency plan is submitted to the service;
    - (d) The Department of Labour is notified about the installation;
  - (6) The application form contemplated in subsection (1) shall be submitted to the chief fire officer with the following attachments-
    - (a) A letter from Limpopo Economic Development, Environmental and Tourism (Ledet) to ascertain the Environmental Impact Assessment was done and approved or the premises doesn't need the EIA to be done;
    - (b) The Risk Assessment document from an Approved Inspection Authority registered by the Department of Labour;
  - (7) Material Safety Data Sheet box, as described in Annexure IV shall be installed in a prominent place at the main entrance of the premises;
- It is an offence for any person who fails to comply with or contravene section 61 of these By Law

#### **58. Issuing of Certificate of Registration**

- (1) No person may use, handle or store any dangerous goods or allow such substances to be used, handled or stored on any premises, unless that person is holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substances and the premises concerned;
- (2) A certificate of registration contemplated in subsection (1) is not required if flammable substances concerned is of any group and does not exceed the quantity stipulated in Annexure V of this by-law.

#### **59. Prohibitions in certain circumstances**

- (1) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), in respect of which no certificate of registration is required or have them stored, used or handled, or permit them to be stored, used or handled, unless the dangerous goods are stored, used or handled in such place or in such manner as to ensure that -
  - (a) No dangerous good or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
  - (b) The escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation;
  - (c) Is used, handled or stored in a properly and naturally ventilated room that prevents the accumulation of fumes or gas;
  - (d) In a suitable place outdoors that ensures the safe disposal of fumes or gas escape freely;
  - (e) The flammable substance is stored in a strong, gas-tight and label containers,
  - (f) Gas does not collect in the room, but is effectively disposed of;
- (2) Dangerous goods may be stored on unregistered premises only if the dangerous goods are, when not in use, stored in strong, labelled containers that seal tightly.
- (3) No certificate of registration will be issued in respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws, South African National Standards, other laws and regulations have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (4) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.

- (5) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (6) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence;

**60. No Authorisation Required for Certain Vehicles Fuel Tank**

- (1) No certificate of registration contemplated in section 61 and 62 or any other Authorisation contemplated in these By-laws is required in respect of-
  - (a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
  - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 100 □ and the fuel tank is surrounded by a liquid-proof retaining wall filled with -
    - (i) Granite ballast with a nominal diameter of at least 40 mm; or
    - (ii) Quartzite ballast with a nominal diameter of at least 50 mm:Provided further that the fuel tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

**61. Contents of Certificate of Registration**

- (1) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate -
  - (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service.
  - (b) Must be maintained in a legible condition at all times;
  - (c) Must reflect the groups and the quantities of dangerous goods for which the premises have been registered;
  - (d) Must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
  - (e) Must reflect the number of storerooms and the total capacity of each storeroom;
  - (f) Must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
  - (g) Must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
  - (h) Must reflect a serial number;
  - (i) Must indicate whether the issue of such certificate is permanent or temporary;
  - (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
  - (k) is not transferable from premises to premises;
  - (l) Will not be issued unless the Service is in possession of a set of approved plans as required by section 24/20 of these by-laws; and

**62. Duties of Holder of Certificate of Registration**

- (1) Duties of the holder of certificate of registration shall be as contemplated in section 36 of these By-laws;

**63. Renewal of Certificate of Registration**

- (1) Any application for the renewal of certificate of registration must be submitted to the Chief Fire Officer as contemplated in section 37 of these By-laws.

**64. Cancellation of Certificate of Registration**

- (1) Cancellation of certificate of registration shall be as contemplated in section 38 of these By-laws;

**65. Replacement of Certificate of Registration**

- (1) Replacement of certificate of registration shall be as contemplated in section 39 of these By-laws;

**66. Transfer of Certificate of Registration**

- (1) Transfer of certificate of registration shall be as contemplated in section 40 of these By-laws;

**67. Amendments of Certificate of Registration**

- (1) Amendments of certificate of registration shall be as contemplated in section 41 of these By-law;

**68. Actions Prohibited During Use, Handle and Storage of Flammable Substance<sup>31/72</sup>**

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

**69. Fire Fighting Equipment and Mitigating Agent**

- (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 25/62 of these by-laws and/or spraying permit in terms of section 46/110 (1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with -
  - (a) portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 810 (dry chemical type), SANS 1573 (foam type) and SANS 1571 (transportable type), of a minimum capacity of 9 kg or 9 l, as the case may be, in a ratio of one fire extinguisher to every 100 m<sup>2</sup> or part of it: Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
  - (b) Fire hose reels, as specified in SANS 543 (hose reels), connected to a water supply as reflected in SANS 10400, enabling each hose reel to maintain a flow of 0,5 l per second at a work pressure of 300 kPa;
  - (c) Fire Hydrants, with couplings as specified in SANS 1128 (Firefighting equipment components of underground and above-ground hydrants system and Couplings), in a ratio of at least one to every 1 000 m<sup>2</sup> or part of it; and
  - (d) Approved sprinkler systems in accordance with SANS 10087, SANS 10089, and SANS 10131.
- (2) Fire-fighting equipment must be inspected and maintained by a registered person as contemplated in section 16/46 (1) (c) in accordance with the provisions of SABS 10105 and SANS 1475 at least once every twelve months to the satisfaction of the Service.
- (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
- (4) Notwithstanding the provisions of subsection (1), if the controlling authority believes that there is any exceptional hazard or risk in respect of the premises concerned, he/she may -
  - (i) Specify the type of fire extinguisher to be installed;
  - (ii) Require that a greater number of fire extinguishers be installed; and



- (iii) Require that a fire detection or warning systems be installed;
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **70. Supply of Dangerous Goods**

- (1) No person shall -
  - (a) Supply more dangerous goods than the quantities referred to in section 61(1) and section 62(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
  - (b) Deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration contemplated in section 25/61 and 62 of these By-laws to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person shall handle any container containing a dangerous good in a manner that will damage or may damage that container, or permit the container to be damaged;
- (3) 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 registration certificate issued by the controlling authority;
- (4) Any person that supplies hazardous substances to any storage facilities, hazard installation shall ensure that he or she supplies the substances with Material Safety Data Sheet;
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **71. Delivery of Dangerous Goods**

- (1) Any person delivering dangerous goods to any supplier or user -
  - (a) May not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
  - (b) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
  - (c) Must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times;
  - (d) Must ensure that, during the transferral of dangerous goods, the delivery vehicle is physically earthed with the storage facility to which the dangerous goods are being transferred;
  - (e) Must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
  - (f) Must ensure that no dangerous good is transferred from a delivery vehicle to a facility that is leaking or broken.
  - (g) Where delivery is done with a road tanker, as defined by the Road Traffic Act provision shall be made as to ensure that the delivery vehicle does not require to reverse in any situation.
- (2) The owner of any device connected with or used for the delivery of a dangerous good must ensure that the device is designed for the specific purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process of a dangerous good must take reasonable precautionary measures to ensure that no dangerous good is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any dangerous good to a motor vehicle, Aircraft, vessel, ship or boat while the power source thereof is in operation or permits the substance to be transferred.
- (5) No person may transfer a dangerous good to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **72. Installation, Erection, Removal and Demolition of Storage Facilities 38/76**

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least ten working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-law;
- (2) Any person who intends to commence with activities contemplated in subsection (1) shall in writing notify the department of labour, the controlling authority and Limpopo Economic Development Environmental and Tourism prior the commencement of the activities;



- (3) Any failure to act as contemplated in subsection (1) and (2) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever -
  - (a) Anything is removed temporarily for carrying out repairs thereto or in connection therewith;
  - (b) Any above-ground or underground equipment and/or parts of the equipment are replaced; and
  - (c) Any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (4) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 24/20 of these by-laws, is made again;
- (5) After completion of the structure, building or installation, application must be made again for a certificate of compliance, spraying permit and/or certificate of registration in accordance with the provisions of these by-laws.
- (6) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

### 73. Temporary Above-Ground Storage Tanks

- (1) The Service authority may grant a temporary certificate of registration if an application is made on prescribed in **Annexure VI** in these by-laws as contemplated in section 61 and section 62 is completed and accompanied by prescribed fees together with the plans as contemplated in section 24/20, to be submitted to the Chief Fire Officer;
- (2) Any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities contemplated in section 61(1) and section 62 of these by-laws: he/she must ensure that -
  - (a) The entire installation complies with SANS 10131, SANS 10089, SANS 10087 and the By-laws;
  - (b) If the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 9 000 t;
  - (c) In respect of small fleet maintenance or research purposes, the volume of the flammable substance does not exceed 4500 litres;
  - (d) The duration of the certificate of registration for temporary storage is valid for a period of not more than six (6) months;
- (3) Any person whose application for a temporary storage tank is approved must ensure that -
  - (a) It complies with the applicable South African National Standard;
  - (b) The storage tank is surrounded by a liquid-proof retaining (bund) wall filled with -
    - (i) Granite ballast is prohibited;
  - (c) Provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
  - (d) The storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;
  - (e) No source of ignition or potential ignition is brought within 5 m of the storage tank;
  - (f) symbolic safety signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
  - (g) A minimum of two 9kg dry chemical fire extinguishers are installed within 10 m of the temporary installation;
  - (h) All premises that houses flammable liquids and/or hazardous material shall be furnished with photo-illuminated symbolic signs contemplated in SANS 1186;
  - (i) HAZMAT signs must be provided on all approachable sides of the installation;
- (4) Any person who applies to the service for a temporary installation shall apply first to the Limpopo Economic Development, Environmental and Tourism for acknowledgement, exemption or approval to be submitted to chief fire officer;
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

### 74. Permanent Above and Under Ground Storage Tank /Vessels

- (1) Any person, owner who intend to store, handle a larger capacity of an above and underground storage tank/vessel he/she must submit a plan for approval as contemplated in section 24/20 with an acceptable rational design based on National Building Regulation and Building

Standard Act, Act No. 103 of 1977, South African National Standard codes and other relevant laws;

- (2) A person, owner contemplated in subsection (1) shall comply with the requirements contemplated in section 22/61 and 62 of these By-laws;
- (3) The owner or person in charge of any premises used or intended to be used for the handling, storage and distribution of any flammable liquids in bulk must ensure that storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS 10089, and SANS 10131;
- (4) A risk assessment shall be carried out on each installation in accordance with the appropriate requirements of the Occupational Health and Safety Act (Act No. 85 of 1993) as amended;
- (5) The owner or person in charge of the premise must ensure that:
  - (a) adequate precautions must be taken to prevent spillage during the refill of the tank;
  - (b) there is sufficient fire extinguishers;
  - (c) symbolic safety signs are provided that complies with SANS 1186;
  - (d) the installation is at least 3.5 metres from any erf, boundary, building, excavation, road, driveway or any other flammable substance or combustible materials;
- (6) Any electrical installation associated with the storage tanks must comply SANS 10108 and SANS 10089;
- (7) Application for such is made to the Chief Fire Officer on the prescribed form, **Annexure VII** of this By-law

**75. Storage of Liquid Petroleum Gas - Containers**

- (1) Any person or owner of the premises used or intended to be used for the installation of liquid petroleum gas involving gas storage containers of individual water capacity no exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation must be installed and handled in accordance with SANS 10087, SANS 10400
- (2) A person contemplated in subsection (1) shall comply with the requirements contemplated in section 24/20 (1), 22/61, 62 and accompanied by proof of payment of the prescribed fee;
- (3) On completion and before commissioning, the installation shall be inspected, tested and approved by a registered commercial or domestic installer;
- (4) User shall be issued with certificate of conformity for gas installation as contemplated in Occupational Health and Safety Act (Act No. 85 of 1993) Pressure Equipment Regulations 2009 and the copy shall be send to the Chief Fire Officer;
- (5) Copy of the certificate shall be send to Chief Inspector of Department of Labour and the controlling authority;
- (6) Liquid petroleum gas containers permanently installed or stored in a building shall be as follows:
  - (a) flat (H3) a maximum of 9kg per flat;
  - (b) houses (not exceeding two storey) maximum of 19kg;
  - (c) commercial premises a total maximum of 19 kg per unit, provided that there is a separating element;
  - (d) industrial premises ( class of occupancy D1 to D4): a maximum of 19 kg per 600m<sup>3</sup> of the building space with total maximum of 100 kg;
- (7) No fixed installation shall be allowed in a garage;
- (8) Liquid petroleum gas containers installed or stored in an outdoor location shall be Located on a firm, clean, well-drained and level base; and-
  - (a) kept clear of combustible material;
  - (b) protected against tampering by unauthorized persons;
  - (c) protected against damage and interference by animals and vehicles;
- (9) Cylinders shall not be installed directly under the eaves of thatched roof;
- (10) Cylinders shall be not less than 3 m away from eaves of the thatched roof behind a firewall;
- (11) Application for such is made to the Chief Fire Officer on the prescribed form, Annexure VIII of this By-law

**76. Liquid Petroleum Gas System in Mobile Unit**

- (1) A person or owner of a mobile unit used or intended to be used for the installation of liquid petroleum gas systems in mobile units, including but not limited to caravans, motor homes, park homes and mobile kitchens, must be installed and handled in accordance with SANS 10087;

**77. Bulk Storage Vessel for Liquid Petroleum Gas**

- (1) Any person or owner of the premises used or intended to be used for the installation of liquid petroleum gas involving storage vessels of individual water capacity exceeding 500 litres must

be installed and handled in accordance with SANS 10087 and National Building Regulations and Building Standard Act;

- (2) A person contemplated in subsection (1) shall submit a plan for approval with an acceptable rational design based on National Building Regulation and Building Standard Act, Act No. 103 of 1977 as amended, South African National Standard code and shall comply with the requirements contemplated in section 24/20 (1), 22/61, 62 and accompanied by the prescribed fee.
- (3) A risk assessment shall be carried out on each installation in accordance with the appropriate requirements of the Occupational Health and Safety Act (Act No. 85 of 1993) as amended;
- (4) User shall be issued with certificate of conformity for gas installation as contemplated in Occupational Health and Safety Act (Act No. 85 of 1993) as amended and the copy shall be send to the Chief Fire Officer;
- (5) Copy of the certificate shall be send to Chief Inspector of Department of Labour and the controlling authority;

#### **78. Storage and Filling Premises for Liquid Petroleum Gas**

- (1) Any person or owner of the premises used or intended to be used for the storage and filling of liquid petroleum gas containers with capacity not exceeding 19 kg and the storage of individual gas containers not exceeding 48 kg must be stored, filled and handled in accordance with SANS 10087, SANS 10400, National Building Regulations and Building Standard Act, Act No. 103 of 1977 and other relevant laws;
- (2) A person contemplated in subsection (1) shall submit an application form as contemplated in section 81 (2) of these By-laws;
- (3) A person, owner contemplated in subsection (1) shall comply with the requirements contemplated in section 61 and 62 of these By-laws;

#### **79. Container Handling and Storage**

- (1) Any person who store flammable substance containers must ensure that it is;
  - (a) kept closed when not in use;
  - (b) declared gas- or vapour free by a competent person before any modification or repairs takes place;
  - (c) be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container;
- (2) Every flammable liquid container must be labelled and marked with the words and details indicating the flammable liquid contained in that container, as well as any hazard associated with the flammable liquid;
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap;
- (4) Any empty container for flammable liquid must be stored in a storeroom;
- (5) Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable container in an open air if no storeroom is available and if he/she is satisfied that-
  - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
  - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
  - (c) the fence support are of steel and reinforced concrete;
  - (d) the storage area has an outwards opening gate that kept locked when not in use;
  - (e) the storage area floor is free of vegetation and has a non-combustible, firm and level base;
- (6) A person, owner contemplated in subsection (1) shall comply with the requirements contemplated in section 22/61 and 62 of these By-laws;
- (7) When the floor area exceeds 10m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
- (8) When the quantity of flammable and combustibles liquids to be stored is more than 100 litres of class 1 and or more than 210 litres of class 2 and class 3A combined, such flammable and combustible liquid must be stored in a storeroom;

#### **80. Access to Storage Tanks for Repairs and Maintenance**

- (1) No person may enter or permit any other person to enter any storage tank which contained Group III dangerous good, unless that person is wearing an effective suitable breathing apparatus or observer and rescue personnel are stationed at manhole with proper safety gear or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089;
- (2) No person may enter any storage tank which contained Group III dangerous good unless that

person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.

- (3) Any person who intend to enter or permit other person to enter any storage tank for repair or maintenance, shall be carried out in accordance with the requirement of the Occupational Health and Safety Act, Act No. 85 of 1993, General Safety Regulations, regulation 4 and 5;
- (4) No person shall enter, cause or permit any person to enter any storage tank that contain flammable liquids before such tank has been certified by a trained, competent person who can declare and give a gas-free certificate;
- (5) No hot or any other hazardous work shall be started inside a tank/vessel until it has been inspected; and-
  - (a) A gas-free certificate have been issued;
  - (b) All pipelines have been disconnected;
  - (c) All relevant authorities have been notified;
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **81. Termination of Storage and Use of Flammable Substance**

- (1) The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of section 76 of these by-laws, remove the tank, installation or device or have the tank or device removed, or fill up the tank with matter approved by the Limpopo Economic Development Environmental and Tourism in order to render the tank safe.
- (2) The person contemplated in subsection (1) who is in charge of the premises on which the installation was erected must:
  - (a) Within seven (7) days of the cessation, notify the controlling authority in writing thereof;
  - (b) Within thirty (30) days of the cessation, remove flammable substances from the installation and render it safe by writing a letter to the controlling authority;
  - (c) Within six (6) months of the cessation, remove the installation including any associated pipe work, from premises entirely, unless the controlling authority otherwise instruct; and
  - (d) To the satisfaction of the controlling authority, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of seven (7) days of completing such removal;
- (3) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written of the controlling authority, fill the underground tank with liquid cement slurry;
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **82. Control of fireworks**

- (1) Any person who wishes to use, deal, explode or discharge any fireworks may only do so if he/she is in possession of a permit or certificate authorizing such use, issued by the SAPS Chief Inspector of Explosives in the manner prescribed by the Explosives Act (Act No. 26 of 1956);
- (2) The controlling authority does not issue license, permit or certificate to use, deal, discharge or present fireworks display;
- (3) Person in subsection (1) who wishes to deal, discharge or present a fireworks display must apply to the Chief Fire Officer for the Fire Safety Inspection to be conducted on his/her premises or venue by completing and submitting an application form contemplated in **Annexure X** with the prescribed fee to enable the Chief Fire Officer to issue out a letter contemplated in **Annexure XI** to the Chief Inspector of Explosives confirming to him/her that the premises comply with Municipal By-laws, SANS 10400, National Building Regulations or any other applicable law;
- (4) Person in subsection (1) must submit his/her application with the following documentations:
  - (a) Proof of permission for the fireworks display from the Civil Aviation Authority;
  - (b) Proof that an application for dealing, discharging and displaying fireworks has been submitted to the Chief Inspector of Explosives;
  - (c) A letter of consent from the owner or person responsible for the property on which the fireworks display, discharge and dealing is proposed to be presented; and
  - (d) A sketch plan of the proposed venue, shop for the use, deal, discharge and present fireworks display, including the demarcated area for the launching of the fireworks;
  - (e) Business registration documents;
- (5) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 30 days before the date proposed for the use, deal, discharge and

- presentation of fireworks display;
- (6) Person in subsection (1) shall notify the Chief Fire Officer 48 hours before opening and commencement of day to day business;
  - (7) The Chief Fire Officer may cancel any written letter issued to Chief Inspector of Explosives to deal with fireworks if the holder of the letter contravenes or fail to comply with any provisions of these By-laws or any other applicable law;
  - (8) Any person who amends, transfer a letter issued to SAPS chief inspector of explosives is guilty of an offence;
  - (9) All fireworks shall be sold to the public, businesses in their original packages;
  - (10) Any person who walks around in a street or travels with fireworks that are not in their original sealed packages is guilty of an offence;
  - (11) Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public;
  - (12) Every retail dealer shall have affixed-
    - (a) To the outside of his/her premises in prominent position adjacent to every entrance, notices reading "Dealer in Fireworks";
    - (b) In prominent positions inside the premises "No Smoking" signs in both official languages;
  - (13) Any person, dealer or person employed shall-
    - (a) Take all due precautions for the preventions of accident by fire;
    - (b) Prevent unauthorised persons having access to the fireworks;
    - (c) Abstain from any act whatsoever which tends to cause fire;
    - (d) Not keep all flammable liquids on the same premises together with fireworks;
    - (e) Keep matches at least 5 metres away from the fireworks;
  - (14) No person shall smoke in or take naked light or fire into premises where fireworks are kept, handled or stored;
  - (15) Wholesale dealer in fireworks shall at no time have on his/her premises more than 1000 kilograms gross mass of fireworks contained in the original inner packaging as received from manufacturer or other supply magazine;
  - (16) Manufacturer or wholesale dealer shall supply fireworks only to a dealer who is in possession of a valid license issued by SAPS Chief Inspector of Explosives;
  - (17) A retail dealer in fireworks-
    - (a) May keep fireworks on his/her premises not exceeding 500 kilograms gross mass;
    - (b) Shall not interfere with the inner packing of the fireworks, allow or permit it to be interfered with;
    - (c) Shall supply fireworks to the public only in the sealed inner packing as received from the manufacturer or wholesale dealer provided that the packages are still in good condition;
    - (d) Shall not sell, allow or permit to be sold any fireworks to a child under the apparent age of 18 years;
    - (e) Shall furnish each employee engaged in selling fireworks with a copy of the chapter 9 of explosives Act (Fireworks Regulations);
  - (18) No person shall allow or permit any children under the age of 18 years to handle or use fireworks except under the supervision of an adult person;
  - (19) No person under the influence of intoxicating liquor or narcotics shall handle or attempt to handle fireworks;
  - (20) No fireworks may be sold by a street hawker/Vendor, at a flea market, out of the boot of a vehicle or trailer, bakkie or from a spaza shop;
  - (21) Only wholesale and retail dealers licensed in terms of the Explosive Act, and who are in possession of a valid license issued by the Chief Inspector of Explosives may deal in the sale of fireworks;
  - (22) Every dealer shall keep all records of fireworks and documents in a manner prescribed to him/her and make them available as may be required by the controlling authority;
  - (23) Fireworks shall be packed by the manufacturer or importer in a suitable carton which shall be sealed ready for sale to the public before dispatch to dealers;

**83. Application for Authority to present fireworks display**

- (1) Person contemplated in section 86(1) must apply to the Controlling Authority for firing fireworks by completing and submitting application form contemplated in **Annexure XII** together with proof of payment of the prescribed fee contemplated;
- (2) If the council/Municipality decides to approve an application to present a fireworks display, it must provide the applicant with confirmation of its decision and any conditions that it may impose to safeguard persons and property;



- (3) The application must be submitted for processing to the office of the Fire Service at least fourteen (14) working days prior to the display;
- (4) The council / Municipality may require that the fireworks display be presented only on a suitable premises designated by the council;
- (5) Municipality / council may impose conditions as to the dates on which and or period of time and or hour when such discharge may take place and further may impose conditions as to the manner of discharge;
- (6) No fireworks of any form or kind will be displayed on pavements, hawker's spots and anywhere not regulated by the council;
- (7) Any person who allows, permit a minor to light or ignite fireworks is guilty of an offence;
- (8) Any person who wish or intend to present, operate a public display of fireworks shall be made in writing to the controlling authority and shall set forth-
  - (a) The name of the person or organisation sponsoring the display;
  - (b) The name of the person in charge of the firing of the display, who shall be at least 18 years of age and competent for the work;
  - (c) The date and time of the day at which the display is to be held;
  - (d) The exact location planned for the display;
  - (e) A description setting forth the age and qualifications of the person who are to do the actual discharging of fireworks;
  - (f) The numbers and kinds of fireworks to be discharged and the value of the display;
  - (g) The manner and place of storage of such fireworks prior to the display;
  - (h) A diagram of the ground on which the display is to be held showing-
  - (i) The point at which the fireworks are to be discharged which shall be-
    - a. at least 100 metres from the nearest buildings, road or railway;
    - b. at least 30 metres from nearest telephone, telegraph or power line trees or other overhead obstructions;
  - (j) The direction in which aerial fireworks, if any are to be fired;
  - (k) The area to be kept clear of persons who shall extend at least 50 metres from the front and to the side of the point at which the fireworks are to be discharged;
  - (l) The area of at least 100 metres to be kept clear of which falling residue from aerial fireworks is expected;
  - (m) The location of all buildings and roads within 200 metres of firing site;
- (9) Presenting of fireworks display shall be performed by a trained Pyro-technician;
- (10) Any person who wilfully enter on or remain in the area reserved for receiving falling residue from aerial fireworks shall be guilty of an offence;
- (11) Any unauthorised person who wilfully proceeds beyond the area demarcated by the organisers of the display for spectators shall be guilty of an offence;
- (12) No person shall use or discharge any explosive or similar device which emits impulsive sound, or allow it to be used or discharged if it may cause a noise nuisance, except with the prior consent in writing from the controlling authority concerned;
- (13) A public display of fireworks may only take place after a written permission has been granted by Chief Inspector of Explosives and local authority concerned.
- (14) The person, company or organisation responsible for the firing, display of fireworks shall supply the Controlling Authority with an indemnity in order to safeguard the members of the public, Controlling Authority and its officials from any claims resulting in a loss of life, injury or damage to property that may result from the public fireworks display.
- (15) A written permission must be obtained from the South African Police Service (Chief Inspector of Explosives), prior to firing or display of fireworks takes place and copy to be forwarded to the Local Authority.
- (16) Any person who fails to comply with the provisions of this section is guilty of an offence;

**84. Fireworks display prohibited**

- (1) No person may present fireworks display unless-
  - (a) Authorised to do so by the council/ Municipality;
  - (b) Authorised to do by the Civil Aviation Authority;
  - (c) Authorised by the Chief Inspector of Explosives;
  - (d) The display is at all times under the supervision of the Chief Inspector of Explosives;
  - (e) The fire Brigade services is on standby at the fireworks display;
  - (f) An area with radius of 50m is clearly demarcated for launching of fireworks display;
  - (g) Measures are in place to prevent any person who is not involved in the presentation of fireworks display from entering the area;



- (2) No person may use or explode any fireworks-
  - (a) Within 500m of any explosives factory, storage, petro depot and station;
  - (b) Inside any building or any public thoroughfare;
  - (c) On any agricultural holding;
  - (d) At any other public places, resort except with a prior written permission of the controlling authority;
  - (e) At any school, hospital or old age home;
  - (f) In a centre for business district area;
  - (g) Any place where animals are present;
- (3) Unless so authorised, no person may light or ignite fireworks on any day or time except-
  - (a) Christmas Eve from 22:00 to 01:00;
  - (b) New Year Eve from 22:00 to 01:00;
  - (c) Hindu New Year Day from 19:00 to 22:00
  - (d) Lag b'omer from 19:00 to 22:00;
  - (e) Chinese New Year from 19:00 to 22:00;
  - (f) Human Rights Day from 19:00 to 22:00;
  - (g) Freedom Day from 19:00 to 22:00;
  - (h) Guy Fawkes Day from 19:00 to 22:00;
  - (i) Diwali from 19:00 to 22:00;
  - (j) Day of Goodwill from 19:00 to 22:00;

#### **85. Symbolic Safety Signs**

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

#### **86. Reporting of Fires, Accidents and Dumping**

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

#### **87. Sampling**

- (1) Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may have a sample taken, by a suitably authorized person or company, of any relevant substance for analysis: Provided that-
  - (a) Any sample so taken must be taken in the presence of the owner or occupier or any other third party;
  - (b) Any sample must be divided into two equal parts and be sealed in similar suitable containers with the following information on the containers:
    - (i) The address and the location of the premises
    - (ii) The trade name of the premises or concern
    - (iii) The name and signature of the persons who are present, as contemplated in subsection (1)(a)
    - (iv) The date on which and time at which the sample was taken
    - (v) A description of the exact location on the premises where the sample was taken; and
  - (c) any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the Service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be. The taking of the sample shall also be for the cost of the owner.

#### **88. Group I Dangerous Goods**

- (1) All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 10228, 10229, 10232 and 10263, the Explosives Act,

1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.

## **89. Group II Dangerous Goods**

### **Portable containers**

- (1) All portable metal containers and related devices for Group II dangerous goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SABS 019, SANS 10228, SNBS 10229 and SABS 0238, as the case may be.
- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 10228, SANS 10229, SABS 0238, SABS 019 and SANS 10087, Parts I to VIII, as the case may be.
- (3) All portable containers for Group II dangerous goods must at all-time be transported, stored and/or installed in a vertical position.

### **Bulk containers**

- (4) All bulk containers for Group II dangerous goods must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SABS 019; SANS 10087; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

### **Manifold installations**

- (5) No Group II dangerous good may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (6) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 □ inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that-
  - (a) the container is used solely for bona fide residential purposes;
  - (b) that liquid petroleum gas will only be permitted indoors on condition that the prospective user is capable of furnishing the Service with scientifically based proof that there is sufficient natural ventilation from the room to the outdoors to ensure that any gas concentration in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralised as not to be within the recognised explosive limits for the gas;
  - (c) Scientifically based detailed calculations and tests must be the basis of such proof;
- (7) Any person who furnishes proof, as contemplated in subsection (6) (i) (ii) (iii), must be approved by professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
- (8) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
- (9) In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
- (10) The provisions of section 40/94(6) (i) (ii) (iii) of these By-laws are applicable *mutatis mutandis* to this subsection;.
- (11) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SABS 0238: Provided that-
  - (a) the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices;
- (12) The installation within the area of underground pipelines for any Group II dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 23, 22, 63, 75, 39, 76 and 94 of these by-laws.

### **Underground pipelines**

- (13) Any underground pipeline for a Group II dangerous good must comply with the following

requirements:

- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 l per minute at a work pressure of 300 kPa, and
- (b) Fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times;
- (c) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
- (d) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
- (e) The installation and extension of the pipeline and/or branches to consumer's premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
- (f) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.

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

## **90. GROUP III DANGEROUS GOODS**

### **Tank manufacture**

- (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III dangerous goods, unless the tank has been manufactured in accordance with the provisions of SABS 1535.
- (2) Any person who installs uses or utilises or attempts to install, use or utilise any underground storage tank, which does not comply with the requirements of SABS 1535, is guilty of an offence.

## **91. Installation of Storage Tanks**

- (1) Any storage tank for Group III dangerous goods must be installed in accordance with the provisions of SANS 10400; SANS 10089, SANS 10131, SABS 0108 and SABS 086, as the case may be: Provided that -
  - (a) All storage tanks installed indoors must be installed in accordance with the provisions of SABS 10131 as the case may be;
  - (b) All pumps and filling devices installed indoors must be in purpose-built, registered premises;
  - (c) All installations, as contemplated in subsection (1)(a) and (b), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
  - (d) Temporary installations must be approved and for not more than six months;
  - (e) No aboveground tanks classification as Class II and III in SANS 10131 Part I will be allowed in urban areas, except if it is a bulk depot according to SANS 10089 Part I;
  - (f) No aboveground tank with classification as Class II will be allowed in rural areas unless it has been approved by the existing zoning of the land used in terms of the Town planning scheme for resale purposes, or where a rational fire design (described in SANS 10400, Regulation T1 (2) (a) or (b) of Act 103 of 1977 in terms of Regulation A19 (1) of the said Act.) drawn up by a competent engineer using other national or international standards for the aboveground storage of inflammable liquids is submitted and approved by the Chief Fire Officer;
  - (g) A maximum of three BTF tanks will be allowed, as contemplated in subsection (1) (e);
  - (h) Additional safety distances for aboveground tanks classification class III according SANS 10131 for diesel in rural area (farms) will be 5 meter for tanks 2200 litres and 15 meter for tanks greater than 2200 litres, from any boundary fencing, building, open flames and any other inflammable liquid stores; and for no resale purposes;
- (2) The installation within the area of underground pipelines for any Group III dangerous goods, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 20, 23, 63, 75, 39, 76 and 90 of these by-laws;
- (3) No aboveground tank used to store diesel in rural areas may be used for resale purposes. If used for diesel resale it will be deemed a filling station and must comply with SANS 10089, Part 3.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

**PART VI  
CHAPTER 6  
TRANSPORTATION OF DANGEROUS GOODS**

**92. Transport Permit**

- (1) The owner/operator/consignor of any vehicle designed and used for transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless the vehicle is registered and categorised as Dangerous Goods (**D/G**) or Goods (**G**) by department of transport and/or local traffic;
- (2) The person contemplated in subsection (1) must ensure that he/she obtain a dangerous goods transport permit issued by a Chief Fire Officer in terms of the South African National Standard code 10228, 10229, 10231, 10232, 10233, 1157 and 1518 for transportation of dangerous goods by road which are an integral part of the Dangerous Goods Regulations of the National Road Traffic Act, 1996;
- (3) Each vehicle for which such a permit has been issued must comply with the provisions of section 97 of these by-laws and the South African National Standard codes, 10087 and 10089;
- (4) Any vehicle designed to be used for the transportation of explosives including ammonium nitrate shall be licensed for that purpose by SAPS Chief Inspector of Explosives;

**93. Application for Transport Permit**

- (1) Any person mentioned in section 96 (1), must submit an application form provided for in **Annexure XIII** to these by-laws and must be completed correctly and in full.
- (2) The application form must be accompanied by:
  - (a) Certified copy of the vehicle's registration certificate;
  - (b) Certified copy of the identity document of the owner of the vehicle;
  - (c) Proof of payment of fee as determined in terms of these By-law;
  - (d) Certified copy of the existing Dangerous Goods transport permit;
  - (e) Certified copy from SAPS for conversion and licensing of vehicle for road transportation of explosives;
- (3) The application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test or assessment date;
- (4) The person contemplated in section 43/96 (1) shall ensure that the vehicle is brought to the service to enable the Controlling Authority to examine or inspect the vehicle before the transport permit can be issued;
- (5) The controlling authority may request additional information from the applicant;
- (6) The Controlling Authority may refuse to issue the Dangerous Goods Transport Permit if a vehicle does not comply with the requirement in section 43/96 (1) and where the Controlling Authority is of the opinion that the non-compliance of a vehicle can be remedied, he/she must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the default prior to the use of the vehicle in accordance with section 43/96 (1);
- (7) If at any time, the Chief Fire Officer becomes aware that the usage of a vehicle is not in accordance with dangerous goods transport permit, he/she must act in terms of section 9 (2), section 10 and 11 of this By-law;
- (8) A transport permit contemplated in section 96 is not required for the transportation of dangerous goods of the type and exceeding the quantity stipulated in Annexure 00;
- (9) Once the vehicle is licensed and registered to transport any dangerous goods, the owner or person in charge shall immediately submit the documents to the Chief Fire Officer;

**94. Application for Authority to present fireworks display**

- (1) Person contemplated in section 86(1) must apply to the Controlling Authority for firing fireworks by completing and submitting application form contemplated in Annexure 00 together with subscription fee contemplated in **Annexure XII**;
- (2) If the council/Municipality decides to approve an application to present a fireworks display, it must provide the applicant with confirmation of its decision and any conditions that it may impose to safeguard persons and property;
- (3) The application must be submitted for processing to the office of the Fire Service at least fourteen (14) working days prior to the display;
- (4) The council / Municipality may require that the fireworks display be presented only on a suitable premises designated by the council;

- (5) Municipality / council may impose conditions as to the dates on which and or period of time and or hour when such discharge may take place and further may impose conditions as to the manner of discharge;
- (6) No fireworks of any form or kind will be displayed on pavements, hawker's spots and anywhere not regulated by the council;
- (7) Any person who allows, permit a minor to light or ignite fireworks is guilty of an offence;
- (8) Any person who wish or intend to present, operate a public display of fireworks shall be made in writing to the controlling authority and shall set forth-
  - (a) The name of the person or organisation sponsoring the display;
  - (b) The name of the person in charge of the firing of the display, who shall be at least 18 years age and competent for the work;
  - (c) The date and time of the day at which the display is to be held;
  - (d) The exact location planned for the display;
  - (e) A description setting forth the age and qualifications of the person who are to do the actual discharging of fireworks;
  - (f) The numbers and kinds of fireworks to be discharged and the value of the display;
  - (g) The manner and place of storage of such fireworks prior to the display;
  - (h) A diagram of the ground on which the display is to be held showing-
  - (i) The point at which the fireworks are to be discharged which shall be-
    - i. at least 100 metres from the nearest buildings, road or railway;
    - ii. at least 30 metres from nearest telephone, telegraph or power line trees or other overhead obstructions;
  - (j) The direction in which aerial fireworks, if any are to be fired;
  - (k) The area to be kept clear of persons who shall extend at least 50 metres from the front and to the side of the point at which the fireworks are to be discharged;
  - (l) The area of at least 100 metres to be kept clear of which falling residue from aerial fireworks is expected;
  - (m) The location of all buildings and roads within 200 metres of firing site;
- (9) Presenting of fireworks display shall be performed by a trained Pyro-technician;
- (10) Any person who wilfully enter on or remain in the area reserved for receiving falling residue from aerial fireworks shall be guilty of an offence;
- (11) Any unauthorised person who wilfully proceeds beyond the area demarcated by the organisers of the display for spectators shall be guilty of an offence;
- (12) No person shall use or discharge any explosive or similar device which emits impulsive sound, or allow it to be used or discharged if it may cause a noise nuisance, accept with the prior consent in writing from the controlling authority concerned;
- (13) A public display of fireworks may only take place after a written permission has been granted by Chief Inspector of Explosives and local authority concerned.
- (14) The person, company or organisation responsible for the firing, display of fireworks shall supply the Controlling Authority with an indemnity in order to safeguard the members of the public, Controlling Authority and its officials from any claims resulting in a loss of life, injury or damage to property that may result from the public fireworks display.
- (15) A written permission must be obtained from the South African Police Service (Chief Inspector of Explosives), prior to firing or display of fireworks takes place and copy to be forwarded to the Local Authority.
- (16) Any person who fails to comply with the provisions of this section is guilty of an offence;

#### **95. Requirement for Transport Permit**

- (1) The Chief Fire Officer may not issue a Dangerous Goods Transport Permit for a Period longer than twelve (12) months;
- (2) The original dangerous goods transport permit must be kept in the designated space of the vehicle mentioned in section 43/96 (3) together with other dangerous goods documents prescribed in terms of any other legislations for inspection at all times;
- (3) The controlling authority must keep records of all vehicles in respect of which a dangerous goods transport permit has been issued, amended and renewed;

#### **96. Contents for Transport Permit**

- (1) When a dangerous goods transport permit is issued, the certificate must be endorsed with the following conditions, namely that the certificate-
  - (a) Indicate the date of issue and the date of expiry;
  - (b) Be valid for a period of twelve months from the date of issue;

- (c) Indicate the name, in block letters, of the issuing officer and bear the officer's signature;
- (d) Indicate a year-linked serial number;
- (e) Indicate the group and quantity of dangerous goods to be transported;
- (f) Indicate the registration number of the vehicle in question;

**97. Prohibition for Transport of Dangerous Goods**

- (1) No person may use or allow any vehicle to transport dangerous goods in excess of the permissible amount without a valid Dangerous Goods transport permit issued by the Controlling Authority or unless the vehicle meet with the requirements contemplated in section 43/96, 97 and 98;
- (2) A consignor may not supply dangerous goods to an operator of a vehicle mentioned in section 43/96 (1), unless the operator is in possession of a valid dangerous goods transport permit issued by the controlling authority;
- (3) A consignee may not receive dangerous goods from an operator of a vehicle mentioned in section 43/96 (1), unless the operator meets the requirement in section 43/97;
- (4) No person, driver of the dangerous goods vehicle may use or be allowed:
  - (a) To stop or park overnight in a centre for business district area;
  - (b) To left the vehicle unattended, unless for the purpose of buying food;
  - (c) To operate, park or drive in a residential, hospitals, schools and old age home area, unless for the purpose of delivery;
  - (d) To take more than one trip per day to transport explosive only in exceptional circumstances with permission from the Chief Inspector of Explosives;

**98. Route Plan for Dangerous Goods Transport**

- (1) The operator shall inform the controlling authority of the areas through which the vehicle will pass;
- (2) Person in sub-section (1) shall provide the controlling authority with-
  - (i) Full information regarding the product to be transported;
  - (ii) Nature of the hazard present by the product;
  - (iii) Intended route to be used;
- (3) The controlling authority may require the operator to use alternative route to reach his/her destination if the controlling authority has a concerned about a particular product
- (4) The operator shall inform the controlling authority at the start of the operation only;
- (5) The operator shall inform the controlling authority of the discontinuation of such operation;

**99. Duties of Holder of Dangerous Goods Transport Permit**

- (1) Duties of the holder of dangerous goods transport permit shall be as contemplated in section 36 of these By-laws;

**100. Renewal of Dangerous Goods Transport Permit**

- (1) Any application for the renewal of dangerous goods transport permit must be submitted to the Chief Fire Officer as contemplated in section 37 of these By-laws;

**101. Cancellation of Dangerous Goods Transport Permit**

- (1) Cancellation of dangerous goods transport permit shall be as contemplated in section 38 of these By-laws;

**102. Replacement of a Dangerous Goods Transport Permit**

- (1) Replacement of dangerous goods transport permit shall be as contemplated in section 39 of these By-laws;

**103. Transfer of a dangerous goods transport permit**

- (1) Transfer of dangerous goods transport permit shall be as contemplated in section 40 of these By-laws;

**104. Amendments of dangerous goods transport permit**

- (1) Amendments of dangerous goods transport permit shall be as contemplated in section 41;

**CHAPTER 7**

**STOREROOMS FOR DANGEROUS GOODS**

**105. REQUIREMENTS FOR STOREROOMS**

**Capacity**



- (1) The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 25/61 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the storeroom.

#### **Symbolic Safety Signs in storeroom**

- (2) No person may use any storeroom or permit any storeroom to be used for Group III dangerous goods, unless -
- (a) Symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed at the storeroom; and
  - (b) The groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75mm high, against a white background;

#### **Display of Certificate of Registration**

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

#### **Construction of Flammable Liquid Storerooms**

- (4) The construction of any storeroom must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400 and the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- (a) The storeroom floor must consist of concrete;
  - (b) The storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
  - (c) The storeroom roof must consist of-
    - (i) Reinforced concrete with a fire resistance of at least 120 minutes; or
    - (ii) Any other non-combustible material, if the storeroom-
      - (aa) is not situated within 5 meters of any adjacent building or boundary of the premises; or
      - (bb) adjoins a higher wall with no opening within 10 meters above and 5 meters on either side of the storeroom.

#### **Doors**

- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SANS 1253: Provided that -
- (a) The said doors must open to the outside and have a lock or locks as are approved by the Chief Fire Officer;
  - (b) whenever the distance to be covered from any storeroom is 4 m or more, the storeroom must have at least two Class B-type fire doors, which doors must be installed as far from each other as is practicable; and
  - (c) Fire door contemplated in subsection (5) and (5) (a) must be installed on:
    - (i) External walls, be class **B** fire door; and
    - (ii) Internal walls in communication within a building, be **D** class doors;
  - (d) Any door providing access to a storeroom must at all times be capable of being opened easily from the inside without the use of a key.

#### **Windows**

- (6) All window frames must be manufactured of steel and must -
- (a) Be fitted with wire glass with a minimum thickness of 8 mm; and
  - (b) Have window panels with a maximum size of 450 mm x 450 mm:
    - (i) Provided that no window must be capable of being opened.
  - (c) Every storeroom window must be fitted to the external wall of the building;

#### **Catch pit**

- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that -
- (a) The catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;
  - (b) if required by the Chief Fire Officer the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and

- (c) The catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

**Ventilation**

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

**Natural Ventilation**

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

**Mechanical Ventilation**

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

**Electrical Equipment**

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

**Electrical Installations Installed by Qualified Electricians**

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

**Storerooms Constructed from other, Non-Combustible Materials**

- (13) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that -
  - (a) The storeroom is not constructed within 3 m of any other building and/or the boundary of premises;
  - (b) The storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of dangerous goods able to be stored in the storeroom, plus 10%; and

- (i) The floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination; and
- (ii) Where the storage is affected outside a flammable liquid storeroom, this is allowed when the storage is not within 15m of any ignition source.

#### **Unauthorised Access**

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

#### **Abuse of a Storeroom**

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

#### **Foam Inlet for Certain Storeroom**

- (17) The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure-
  - (a) That the storeroom is provided with a foam inlet consisting of a 65mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
  - (b) That the foam inlet is identified by a sign in block letters at least 100mm high displaying the words foam inlet

#### **106. Keeping and Handling Dangerous Goods in a Storeroom**

- (1) No person may store or allow the storage of any flammable substances in any Storeroom unless-
  - (a) The owner, person in charge has the certificate of registration contemplated in section 25/61 of these By-laws;
  - (b) The storeroom complies with the requirement of this By-law and any other applicable law;
- (2) Any storeroom referred to in section 44/108 of these by-laws may be used for keeping any grouped dangerous good, with the exception of Group I dangerous goods (explosives), as defined in section 2(1) of the Dangerous goods Act, 1973, provided that-
  - (a) all chemically reactive dangerous goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (3) Notwithstanding the provisions of section 44/108 of these by-laws, any grouped dangerous good contemplated in this section, with the exception of Group I dangerous goods (explosives), may also be stored, and kept in terms of SANS 10263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 20, 23 and 61 of these by-laws, as the case may be.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **CHAPTER 8**

#### **SPRAY-PAINTING MATTERS AND SPRAYING PERMITS**

#### **107. Registration of Spray-Painting Rooms**

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III dangerous good or with liquid compounds of a Group III dangerous good, or with any other dangerous good-
  - (a) unless such person is in possession of a spraying permit contemplated in section 46/110(1) of these by-laws;
  - (b) unless the spraying, coating, plating or epoxy-coating as the case may be is conducted in a room approved by the Chief Fire Officer on premises registered for that purpose;

- (2) If circumstances require it, any motor vehicle, article or object, or any parts thereof, may be sprayed in any place other than in an approved spraying room and/or spraying booth by any person who possesses a spraying permit for the premises in question, provided that there is little likelihood of the proposed activities' posing a real danger or causing an emergency situation for any human being, animal or property.

#### **108. Application for Spray-Painting Permit**

- (1) Any person mentioned in section 110 (1), must submit an application form provided for in **Annexure XVI** to these by-laws and obtainable from this service and must be completed correctly and in full.
- (2) The application form must be accompanied by proof of payment of the prescribed fees and
- (3) The application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date;
- (4) The person contemplated in section 46/110 (1) shall ensure that the Chief Fire Officer is invited to the premises for inspection before the spray-painting permit can be issued;
- (5) The controlling authority may request additional information from the applicant;
- (6) The Chief Fire Officer may refuse to issue the spray-painting permit if the premises does not comply with the requirement in section 112 and where the Chief Fire Officer is of the opinion that the non-compliance of the premises can be remedied, he/she must instruct the person contemplated in section 112 in writing to take all reasonable steps to remedy the default prior to the use of the spray-painting room or booth;
- (7) If at any time, the Chief Fire Officer becomes aware that the usage of the premises is not in accordance with the spray-painting permit, he/she must act in terms of section 8, 9 (2), 10, 11 and 12 of this By-law;

#### **109. Contents of Spray-Painting Permit**

- (1) When a spray-painting permit is issued, the permit must be endorsed with the following conditions, namely that the certificate-
  - (a) Indicate the date of issue and the date of expiry;
  - (b) Be valid for a period of twelve months from the date of issue;
  - (c) Indicate the name, in block letters, of the issuing officer and bear the officer's signature;
  - (d) Indicate a year-linked serial number;
  - (e) Indicate the group and quantity of dangerous goods to be transported;
  - (f) Indicate the registration number of the vehicle in question;
  - (g) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
  - (h) A serial number must be indicated on the spraying permit.
  - (i) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.

#### **110. Duties of Holder of Spray-Painting Permit**

- (1) Duties of the holder of certificate of registration shall be as contemplated in section 36 of these By-laws;

#### **111. Renewal of Spray-Painting Permit**

- (1) Any application for the renewal of certificate of registration must be submitted to the Chief Fire Officer as contemplated in section 37 of these By-laws;

#### **112. Cancellation of Spray-Painting Permit**

- (1) Cancellation of certificate of registration shall be as contemplated in section 38 of these By-laws.

#### **113. Replacement of Spray-Painting Permit**

- (1) Replacement of certificate of registration shall be as contemplated in section 39 of these By-laws.

#### **114. Transfer of Spray-Painting Permit**

- (1) Transfer of certificate of registration shall be as contemplated in section 40 of these By-laws.

#### **115. Amendment of spray-painting permit**

- (1) Amendments of a spray-painting permit shall be as contemplated in section 41 of these By-laws.

#### **116. Prohibition of Certain Actions**

- (1) No person may use or handle dangerous goods, or permit dangerous goods to be used or

handled, on unregistered premises, unless a member is satisfied that the dangerous goods will be used or handled in a place and in a manner that will ensure that -

- (a) no dangerous good or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the dangerous good or fumes alight; and
- (b) The escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.
- (c) No person may enter spraying room without the authority of the owner, occupier, or person in control of the spraying room;
- (d) No person may use spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
- (e) No person will be allowed to enter spraying room, unless the mechanical ventilation system is operating;

#### **117. Display and Conditions of Spraying Permit**

- (1) A spraying permit is issued on the following conditions:
  - (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
  - (b) The spraying permit must be maintained and be legible at all times.
- (2) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

#### **118. Construction and Design of Spray-Painting Rooms**

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

#### **Access to a Spraying Room**

- (5)(a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must –
  - (a) open to the outside;
  - (b) Be at least 800 mm x 2 000 mm in extent;
  - (c) Be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m;

- and
- (d) Be fitted with locking mechanisms that can be opened easily from the inside without the use of a key;

**Location of Spraying Room**

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

**Water Floors for Spraying Room**

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

**Electrical Equipment**

- (8) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.
- (9) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (10) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (11) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (12) All electrical installations must be installed and certified by a qualified electrician and the certificate of compliance (COC) must be submitted to the Service for record purposes of that installation immediately after completion.

**Mechanical Ventilation**

- (13) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
- (i) The capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0,5m/s;
  - (ii) The vanes of the system must be manufactured from static-free materials;
  - (iii) The fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
  - (iv) All ventilators must be attached firmly to the inside of the walls;
  - (v) The bottom ventilators must be affixed as close as possible to the level of the floor l; and
  - (vi) All ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.
  - (vii) Every spray room shall have at least one of its doors fitted with an un-openable strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.
  - (viii) With ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, ducting material is installed external to the spraying room in communication with the remainder of the



building concerned;

#### **Fire dampers, Fire Detectors and Fire Alarms in Spraying Rooms**

- (14) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of the ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must –
- (i) Close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10 °C in the predetermined working temperature;
  - (ii) Be so installed that the damper will remain in position even if the air duct distorts during a fire; and
  - (iii) Be provided with an overriding fusible link.
- (a) The sensor contemplated in subsection (14) (i) must also –
- (i) be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10 °C in the predetermined working temperature inside the spraying room; and
  - (ii) Activate a visual and audible alarm inside and outside the spraying room;

#### **Positioning of Ventilation Outlets**

- (15) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.
- (16) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

#### **Display of Signs Prohibiting Open Flames and Smoking**

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

#### **Maintenance of Spraying Rooms**

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

#### **Unauthorised Access**

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

#### **Abuse of Spraying Room**

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

#### **Provision of Fire-Fighting Equipment**

- (21) (a) Any spraying room must have a 9kg dry chemical fire extinguisher on the outside, which extinguisher must be installed in positions determined by the Chief Fire Officer.
- (b) At least one 9 kg dry chemical extinguisher installed on the inside of the spraying room;
- (c) All spraying rooms must be protected by a fire hose reel referred to in section 33 (1) (b) of these by-laws.

#### **Drying cleaning/Heating Devices**

- (22) Whenever any manifold installation of a Group II dangerous good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, and the relevant provisions of these by-laws will apply

*mutatis mutandis* in the application of this section.

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

## CHAPTER 9

### DRY-CLEANING ROOMS

#### 119. Registration of Dry-Cleaning Room

- (1) No person may use any dry-cleaning room on any premises unless-
- (a) The dry-cleaning room as the case may be is conducted in a room approved by the Chief Fire Officer;
  - (b) That person is in possession of a dry-cleaning permit issued by the Chief Fire Officer;

#### 120. Application of a Dry-Cleaning Permit

- (1) A person mentioned in section 122 (1) must apply to the Controlling Authority by completing and submitting an application form contemplated in **Annexure XVII** together with proof of payment a prescribed fee;
- (2) The application form must be accompanied by a fee prescribed in Annexure I to these By-law; and
- (3) The application must be submitted for processing to the registration office of the service at least five (5) days (excluding Saturdays, Sundays and Public holidays) prior to the proposed test date;
- (4) The Controlling Authority may request additional information from the applicant;
- (5) The person contemplated in section 122 (1) shall ensure that the Chief Fire Officer is invited to the premises for inspection before the dry-cleaning permit can be issued;
- (6) The Chief Fire Officer may refuse to issue the spray-painting permit if the premises does not comply with the requirement in section 123 and where the Chief Fire Officer is of the opinion that the non-compliance of the premises can be remedied, he/she must instruct the person contemplated in section 123 in writing to take all reasonable steps to remedy the default prior to the use of the spray-painting room or booth;

#### 121. Construction of Dry-Cleaning Room Using Class 1 Flammable Liquids

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

#### 122. Ventilation of dry-cleaning Room Using Class 1 Flammable Liquids

- (1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity

as will remove Flammable Liquid vapour from such room and discharge such vapour into the open air at a point which is above the roof of such room and more than 5 m from any opening to any Building.

- (2) Such system of ventilation shall cause the air in the Dry Cleaning Room to be changed at least thirty (30) times in every hour;
- (3) The blades of all ventilating fans shall be made of non-ferrous metal;
- (4) All exhaust ventilation ducts shall be of Non-Combustible material and shall be installed—
  - (a) as near ground level as practicable; provided, however, that where any such duct or any portion thereof is situated at a level which is less than 150 mm above the level of the Dry Cleaning Room floor adequate provision shall be made to prevent the escape of Flammable Liquid therefrom in the case of fire or otherwise;
  - (b) As near as practicable to the parts of the dry-cleaning machinery from which the Flammable Liquid vapour is emitted.
- (5) Any Person discovering a fire in any Dry Cleaning Room shall immediately take all reasonably possible steps to shut down the exhaust ventilating system;

#### **123. Construction of Dry-Cleaning Room Using Class 2 Flammable Liquids**

- (1) Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be constructed and maintained in accordance with the following requirements:
  - (a) The walls shall be constructed of brick or concrete or other similar Non-Combustible material and the floor of concrete or other impervious material and the room of Non-Combustible material.
  - (b) A sill of concrete at least 150 mm in height shall be erected across all door openings at floor surface level or the floor of the room shall be 150 mm below the adjacent surface level.
  - (c) There shall be provided at least two (2) doors opening outwards one of which shall lead directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow free and unimpeded escape of Persons within the Dry Cleaning Room through either of such doors in the case of fire or other danger.
  - (d) No Dry Cleaning Room shall be situated below or above any other room or other part of the Building; provided, however, that a room or Building may be constructed above a Dry Cleaning Room if such room or Building is not used as a Habitable room and is provided with adequate means of escape to the satisfaction of the Chief Fire Officer;

#### **124. Ventilation of dry-cleaning Room Using Class 2 Flammable Liquids**

- (1) Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of Flammable Liquid vapours within any portion of such room and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided, however, that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation, such mechanical system shall conform to and comply with the provisions of section 124.

#### **125. Contents of Dry-Cleaning Permit**

- (1) When a spray-painting permit is issued, the permit must be endorsed with the following conditions, namely that the permit-
  - (a) Indicate the date of issue and the date of expiry;
  - (b) Be valid for a period of twelve months from the date of issue;
  - (c) Indicate the name, in block letters, of the issuing officer and bear the officer's signature;
  - (d) Indicate a year-linked serial number;
  - (e) Indicate the group and quantity of dangerous goods to be transported;
  - (f) Indicate the registration number of the vehicle in question;
  - (g) The number of dry-cleaning rooms must be indicated on the dry-cleaning permit.
  - (h) A serial number must be indicated on the spraying permit.
  - (h) The dry-cleaning permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.

#### **126. Display and Conditions of Dry-Cleaning Permit**

- (1) A spraying permit is issued on the following conditions:
  - (a) A dry-cleaning permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
  - (b) A dry-cleaning permit must be maintained and be legible at all times.

- (2) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

**127. Access and Notice of Danger to Dry-Cleaning Room**

- (1) No Person other than a Person lawfully employed on the Premises or a Fire Official shall enter any Dry Cleaning Room without the express permission of the Occupier or Person in charge.
- (2) No Person shall commit any act which is liable or calculated to cause fire, explosion or other danger to a Dry Cleaning Room or its contents or any Person therein;
- (3) The Person having charge or control of the business conducted on the Premises shall cause all Persons employed in the dry-cleaning room to be thoroughly instructed as to the hazards involved in the use of Flammable Liquids and in the handling and method or usage of all Fire Fighting Equipment required by this Code to be on the Premises, and shall repeat such instructions quarterly.
- (4) Approved signs prohibiting smoking and naked flames or signs conforming to prohibitory signs PV1 and PV2 as described in SANS specification 1186: Symbolic Safety Signs shall be prominently displayed at each entrance to a dry cleaning Room and within such room to the satisfaction of the Chief Fire Officer

**128. Position of Machinery and Power Shaft**

- (1) All dry-cleaning machinery shall be situated as near as reasonably possible to the exhaust ventilation ducts required by section 125.
- (2) Where any machinery is driven by means of a power shaft from motive power outside the dry-cleaning room, the driving shaft shall pass through a gas-proof wall box which shall be installed at the point where such shafting enters such dry cleaning room;
- (3) All dry-cleaning machinery on or above floor level shall be drained immediately after the termination of cleaning operations each day;

**129. Steam Pipes**

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

**130. Electrical Equipment Installations**

- (1) No Person shall install or cause or permit to be installed in or near a dry-cleaning room or in any position which comes or is likely to come into contact with Flammable Liquid or its vapour any electrical equipment other than—
  - (a) An incandescent electric light enclosed in a Flame and Vapour Proof or other Approved fitting;
  - (b) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together, or armoured or lead-covered cable provided, however, that, with the written permission of the Local Council concerned, other types of cables may be installed where the use of such cable is unlikely to cause danger to Persons or property from fire;
  - (c) one electrical push button switch of Flame and Vapour Proof construction which is designed for use to stop all machinery in an emergency and which is situated not less than 1 35 m above the level of the floor;
  - (d) Electric motors of Flame and Vapour Proof construction;
- (2) No person shall take or cause, allow, permit or suffer to be taken any flash lamp or any other light or lamp into any dry-cleaning room except an incandescent electrical light or safety lamp which has been fitted with an outer flame and vapour proof fitting, and no
- (3) No person shall use any hand truck or any trolley for the conveyance of any material, clothing or liquid unless it is equipped with hard rubber tyres and non-ferrous edges, so as to prevent sparks arising from accidental contact with any other metal surface;

- (4) No person shall install or cause or permit to be installed any dry-cleaning machinery elsewhere than in a dry-cleaning room.
  - (a) All machinery shall be properly electrically earthed.
  - (b) All electrical earth connections shall be examined and entered in a log book.
- 131. Handling of Flammable Liquid**
  - (1) The storage tank shall be connected to the dry-cleaning machinery and no flammable Liquid shall be handled during any cleaning process; provided, however, that a total quantity not exceeding 101 at any time may be handled in one or more containers for the purpose of hand washing or spotting;
- 132. Boilers**
  - (1) No boiler or chimney of a boiler shall be installed within 6 m of a dry-cleaning room; provided, however, that a boiler may be installed not nearer than 3 m to a dry-cleaning room where there is an unbroken brick or concrete wall between such boiler or its chimney and such room of a height of not less than 450 mm above the top of the boiler and its chimney and of not less than 2 m above the floor of the dry-cleaning room;
- 133. Cleaning, Scouring or Brushing Table and Garments**
  - (1) Every table used for washing or brushing any material with flammable liquid shall—
    - (a) Be provided with a liquid-tight top with a curb on all sides not less than 25 mm high;
    - (b) have a top which is so pitched as to ensure thorough draining by a pipe of not less than 25 mm diameter directly connected to an underground tank through a trap preventing the return of vapour and which, in the case of a metal top, is electrically earthed;
    - (c) Be secured to the floor or wall so as not to disturb the electrical earth and drain connections;
  - (2) No Person shall dry-clean or cause, allow, permit or suffer to be dry-cleaned any article of clothing or other textiles unless and until such article has been thoroughly examined and all object such as matches, metallic substances, metal buttons and other items which are liable to cause sparks have been removed therefrom;

## CHAPTER 10

### ANIMALS

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

## CHAPTER 11

### PENALTIES

- 135. Penalties for Contraventions**
  - (1) **Any person who—**
    - (a) contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for all certificates and permits, or
    - (b) fails to comply with any notice issued or displayed in terms of these By-law;
    - (c) obstructs or hinders, or improperly influences or attempt to do so, any authorised representative or employee of council in execution of his/her duties or performance of his/her powers or functions under this By-law;
    - (d) fails to comply with any instruction by a member of the Service,
  - (2) Person contemplated in subsection (1) is guilty of an offence and on conviction liable to a fine not exceeding R5 000, 00 or, in default of contravening with subsection (1) (i) (ii) (iii) and (iv) or payment is liable to imprisonment for a period not exceeding six months.

**CHAPTER 12****GENERAL****136. Operation of these by-laws in relation to other laws**

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

**137. Repeal of by-laws**

- (1) The following by-laws are hereby repealed:
- (a) The Transvaal Peri-Urban Fire Brigade By-Laws published under Administrator's Notice 1116 of 11 July 1984, as amended, in so far as they apply to the area and any other previous by-law applicable to this area.

**138. Short title and commencement**

- (1) This by-law is called the Waterberg District Municipality Emergency Services By-law and takes effect upon proclamation in the *Government Gazette*.

**139. By-laws bind state**

- (1) This By-law binds any organ of state and any person in the service of any organ of state as defined in Section 239 of the Constitution, 1996 as amended.

**CHAPTER 13****TARIFFS****140. Fees for Emergency Services**

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

**141. Fees payable to the service in terms of Section 10 of the Fire Brigade Services Act, 1987 (Act 99 of 1987) as amended, for providing Emergency Services**

- (1) A controlling authority may, subject to any condition contemplated in section 11 (2) (a) of the Fire Brigade Services Act, Act 99 of 1987, determine the fees payable by a person on whose behalf the service of the controlling authority is applied –
- (a) For the attendance of the service;
- (b) For the use of the service and equipment; or
- (c) For any material consumed.
- (2) A person on whose behalf, in the opinion of the Chief Fire Officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that Chief Fire Officer for the payment of the fees referred to in subsection (1) or any portion thereof;
- (3) The prescribed fees payable to the Service as determined in to these By-laws;
- (4) Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned;
- (5) As soon as an objection contemplated in subsection (4) is received, that Chief Fire Officer of the controlling authority concerned shall without delay obtain written comment thereon and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment;
- (6) A certificate purporting to be signed by a Chief Fire Officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be prima facie proof of the amount payable by the person mentioned therein;

**Firefighting Tariffs**

The tariffs shall be adopted by Council and be amended annually.

**142. General Directives for the payment of the Fees**

- (1) All certificates of registration, certificates of compliance and transport or spraying permits will be valid for twelve calendar months. A written application for the renewal of the certificate or permit must reach the Service at least one calendar month prior to the expiry thereof.
- (2) When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
- (3) All the appropriate application forms are available from the Service and must be completed in



- full and, where applicable, be duly signed.
- (4) If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of compliance or any permit, the applicant must, within 14 days (excluding weekends and public holidays) of the date of rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
  - (5) If there are different divisions and/or affiliates within a business and/or company situated on the same premises but each division and/or affiliate is managed separately, each division and/or affiliate is liable to registration separately.

#### **143. Exemption from payment of charges**

- (1) No Charges shall be payable where –
  - a. false alarm has been given in good faith;
  - b. the services were required as a result of civil commotion, riot or major incident/natural disaster;
  - c. the services were rendered in the interest of public safety;
- (2) The Chief Fire Officer is of the opinion that the services were of purely humanitarian nature or were rendered solely for saving life;

### **CHAPTER 14**

#### **OFFICIAL DOCUMENTS**

#### **144. General**

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

#### **145. Standard administrative information in documents**

- (1) The following must be indicated in all documents:
  - a. The logo of the Service and/or controlling authority.
  - b. The full name of the premises in question.
  - c. The name of the suburb in question.
  - d. The street address of the premises in question, in full.
  - e. The postal address of the premises in question, in full, including the postcode (on all application forms).
  - f. Full particulars of the occupier of the premises or the firm on the premises.
  - g. The telephone and fax numbers of the business in question (on all application forms).
  - h. The signature of the issuing officer.
  - i. The date on which the document was issued.
  - j. The expiry date of the document.
- (2) The type of document, such as:
  - a. Application for bulk depot certificate of registration" or "Bulk depot certificate of registration
  - b. Application for certificate of compliance
  - c. Application for a certificate of registration/spraying permits" or "Certificate of registration/Spraying permits
  - d. Application for a transport permit" or "Transport permits
  - e. Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy
- (3) Any other relevant information, such as:
  - a. The groups and subgroups of dangerous goods for which registration is required
  - b. The required quantity of each group of dangerous good
- (4) The manner in which the substances are to be stored, for example -
  - (a) In an underground storage tank;
  - (b) In an above-ground storage tank;
  - (c) In a dangerous good store; or
  - (d) In a manifold installation
- (5) An indication of all spray-painting rooms and submersion tanks, as the case may be.
  - a. A serial number (on all permits and certificates).
  - b. A receipt number (on all permits and certificates).
  - c. The official stamp of the Service.

#### **146. Application forms**

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2)
  - (a) All application forms must have all the administrative information as contemplated in Section 148;
  - (b) On all application forms, space must be left in which the correct application fee, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.
  - (c) A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued;
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SANS codes of practice and/or specifications, as the case may be;
- (4) At the top of each checklist -
  - (a) It must be stated that the checklist is for office use only;
  - (b) Space must be set aside for the date, time and place of the appointment for an inspection; and
  - (c) Space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- (5) At the end of each checklist, space must be set aside for -
  - (a) The signature of the member of the Service who completed the checklist;
  - (b) The date on which the checklist was completed; and
  - (c) An indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for -
  - (a) Full particulars of the registration officer who received the application fee;
  - (b) The method of payment, for example cash, postal order or cheque; and
  - (c) An official receipt number.

#### **Permits and Certificates**

- (1) The purpose for which permits and certificates are to be used, as contemplated in **Annexure II** paragraph **A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these by-laws must appear at the top of all permits and certificates.
- (2) All permits and certificates must have all the applicable administrative information as contemplated in Section 148 and must form part of the official documentation of the Service in the case of transport permits:

#### **147. Transport Permit**

- (1) In addition to the contents in terms of the administrative provisions as contemplated in Section 148 in a round disc with the following information;
- (2) The registration number of the vehicle in question;
- (3) The chassis number of the vehicle in question;
- (4) The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker;
- (5) The gross vehicle mass of the vehicle in question;
- (6) The tare of the vehicle in question;
- (7) The type of load to be transported, for example a single load or a multiple load, and the quantity to be transported in litres or kilograms, as the case may be;
- (8) The group of dangerous good(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be;
- (9) Where applicable, the make of the vehicle;
- (10) The date of issue of the permit;
- (11) The date of expiry of the permit;
- (12) The signature of the issuing officer;
- (13) A serial number;
- (14) A watermark.

**ANNEXURE I****APPLICATION FOR BUILDING COMPLIANCE CERTIFICATE**Serial: **WDM/MAB/COMC/01/02/2015**

I \_\_\_\_\_  
 ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire compliance certificate of the Building Structures permanent or temporary within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner, the tenant/responsible person for the said shop/premise stated below:

Name of Premise : \_\_\_\_\_

ERF No \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Telephone No \_\_\_\_\_ Cell No: \_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act of 1987, National Building Regulation and Building Standard Act of 1977, South African National Standard codes, Safety at Sport and Recreation Events Act, Act No.2 of 2010, Occupational Health and Safety Act of 1993, Explosives Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer for approval. The authority reserves the right to upon any other defects not mentioned herein being rectified before certificate can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Date of previous inspection \_\_\_\_/\_\_\_\_/20\_\_\_\_ Place : \_\_\_\_\_

Receipt No. : \_\_\_\_\_  
 R \_\_\_\_\_

Amount

Certificate/Permit is valid for 12 months from the date issued and must always be kept on the premise/shop and be maintained in a legible condition.

Signature: \_\_\_\_\_  
 Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

**Annexure II****APPLICATION FOR REPLACEMENT OF CERTIFICATE/PERMIT**Serial: **WDM/MAB/REPL/01/02/2015**

I \_\_\_\_\_  
 ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the replacement of certificate no.

WDM/ / / /20

1	Compliance Certificate	
2	Registration Certificate	
3	Transport Permit	

Within the jurisdiction of the Municipal area of:

and I declare I'm the responsible person for the said shop/premise and transport stated below:

Name of Premise :

ERF No \_\_\_\_\_

Suburb:

Physical Address :

Postal Address :

Telephone No \_\_\_\_\_ Cell No:

**Details of transportation/ Vehicle**

Make : \_\_\_\_\_ Description: \_\_\_\_\_ Reg no:

VIN no. : \_\_\_\_\_ Tare: \_\_\_\_\_ kg GVM:

Number of Tanks : \_\_\_\_\_ Tanks Capacity:

Year Tank Manufactured: \_\_\_\_\_ DG Registration No:

**Quantity of Flammable Substances to be conveyed**

Flammable Liquids:	Flammable Solids:	Flammable Gas:
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I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act of 1987, National Building Regulation and Building Standard Act of 1977, South African National Standard codes, Safety at Sport and Recreation Events Act, Act No.2 of 2010, Occupational Health and Safety Act of 1993, Explosives Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

Date of previous inspection : \_\_\_\_/\_\_\_\_/20\_\_\_\_ Place :

Signature: \_\_\_\_\_

Date:

\_\_\_\_/\_\_\_\_/20\_\_\_\_

Applicant (Operator)

**Annexure III****APPLICATION FOR TRANSFER OF CERTIFICATE/PERMIT**

Serial: WDM/MAB/TRANSF/01/02/2015

I \_\_\_\_\_

ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the transfer of certificate/ permit no.

**WDM/ / / /2023**

1	Compliance Certificate	
2	Registration Certificate	

Within the jurisdiction of the Municipal area of:

and I declare I'm the responsible person for the said shop/premise stated below:

Name of Premise :

ERF No \_\_\_\_\_

Suburb:

Physical Address :

Postal Address :

Telephone No \_\_\_\_\_

Cell No:

I therefore wish to transfer the certificate / permit to:

ID no. : \_\_\_\_\_ as the new responsible person for the above-mentioned premise and transport.

As the new responsible person, I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act of 1987, National Building Regulation and Building Standard Act of 1977, South African National Standard codes, Safety at Sport and Recreation Events Act, Act No.2 of 2010, Occupational Health and Safety Act of 1993, Explosives Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

Date of previous inspection : \_\_\_\_/\_\_\_\_/20\_\_\_\_ Place :

Signature: \_\_\_\_\_  
New Responsible Person

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

#### **Annexure IV**

#### **APPLICATION FOR STORAGE, HANDLING OF FLAMMABLE SUBSTANCE**

Serial No: **WDM/MODI/FLST/05/02/2015**

I \_\_\_\_\_  
ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for handling, storing and distributing of flammable substances within the jurisdiction of the Municipal area

of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premises: \_\_\_\_\_

ERF No \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone No \_\_\_\_\_ Cell No: \_\_\_\_\_

And I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Safety at Sport and Recreation Event Act of 2010, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

#### FLAMMABLE SUBSTANCES TO BE STORED

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from start till the installation is completed and approved;

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued;

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued;

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_\_\_ and Place: \_\_\_\_\_

**Certificate/Permit is valid for 12 months from the date issued and shall be kept in the premise at all times and maintained in a legible condition.**

Receipt No. : \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

#### ANNEXURE V

#### EXEMPTION FROM CERTIFICATE OF REGISTRATION

CLASS	DESCRIPTION	QUANTITY
0	Liquefied Petroleum Gas	Flat- quantity may not exceed 9kg per flat
		Houses or Commercial premises- Total maximum of 19kg inside and total maximum of 100kg on premises
		Industrial premises- Maximum of 19kg per 600m <sup>3</sup> of a building space with a total maximum of 100kg
Flammable Liquids and Combustible Liquids		
1	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40



		litres
2	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of class 2 and class 3A together may not exceed the maximum quantity of 210 litres
3A	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	

**Group I: Explosives**

Fireworks No exemption

**Group II: Gases**

- 2.1 Flammable gases Total cylinder capacity may not exceed 50 kg  
 2.2 Non-flammable gases Total cylinder capacity may not exceed 333 kg  
 2.3 Toxic gases No exemption

**Group III: Flammable liquids**

- 3.1 With flash points  $\geq 18^{\circ}\text{C}$  Total quantity may not exceed 100 l  
 3.2 With flashpoints  $> 18^{\circ}\text{C}$  but  $\leq 23^{\circ}\text{C}$  Total quantity may not exceed 420 l  
 3.3 With flashpoints  $> 23^{\circ}\text{C}$  but  $\leq 61^{\circ}\text{C}$  Total quantity may not exceed 1 100 l  
 3.4 With flashpoints  $> 61^{\circ}\text{C}$  but  $\leq 100^{\circ}\text{C}$  Total quantity may not exceed 1 100 l

**Group IV: Flammable solids**

- 4.1 Flammable solids Total quantity may not exceed 250 kg  
 4.2 Pyrophoric substances No exemption  
 4.3 Water-reactive No exemption substances

**Group V: Oxidising agents and organic peroxides**

- 5.1 Oxidising agents Total quantity may not exceed 200 kg  
 5.2 Group I organic No exemption peroxides in packets  
 5.3 Group II organic Total quantity may not peroxides in packets exceed 200 kg

**Group VI: Toxic/infective substances**

- 6.1 Group I toxic substances in packets Total quantity may not exceed 5 kg  
 6.2 Group II toxic substances in packets Total quantity may not exceed 50 kg  
 6.3 Group III toxic substances in packets Total quantity may not exceed 500 kg  
 6.4 Infective substances No exemption

**Group VII: Radioactive materials No exemption****Group VIII: Corrosive/caustic substances**

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

**Group IX: Miscellaneous substances**

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

**Annexure VI****APPLICATION FOR THE TEMPORARY STORAGE OF FLAMMABLE SUBSTANCE**Serial No: **WDM/MOD/TEMS/16/02/2015**

I \_\_\_\_\_

ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for temporary storage, handling, of flammable liquids within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_

ERF No \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

**FLAMMABLE SUBSTANCES TO BE STORED**

Flammable substance	Product Name	UN no	Class	Group	Total Quantity

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from the start till the installation is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded, the prescribed fee must be again before permit/certificate can be issued.

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_\_\_ and Place: \_\_\_\_\_

**Certificate/ Permit is valid for 6 months and shall be kept on the premise at all Times and be maintained in a legible condition.**

Receipt No. : \_\_\_\_\_

Amount R \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

**Annexure VII****APPLICATION FOR STORING BULK FLAMMABLE SUBSTANCES**Serial No: **WDM/VWT/FL/05/02/2015**

I \_\_\_\_\_ ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for handling, storing and distributing bulk flammable substances within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_

ERF No \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Telephone No \_\_\_\_\_ Cell No: \_\_\_\_\_

And I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

#### FLAMMABLE SUBSTANCES TO BE STORED

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from start till the installation is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Date of the previous inspection: \_\_\_\_\_ and Place: \_\_\_\_\_

**Permit/ Certificate are valid for 12 months from the date issued and shall be kept on the premise at all times and maintained in a legible condition.**

Receipt No. : \_\_\_\_\_ Amount R \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_  
Applicant

#### Annexure VIII

#### APPLICATION FOR STORING, HANDLING OF LPG CONTAINERS

Serial No: **WDM/MODI/FGC/03/02/2015**

I \_\_\_\_\_  
ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for handling and storing of liquid petroleum gas containers within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_  
 ERF No: \_\_\_\_\_ Suburb: \_\_\_\_\_  
 Physical Address : \_\_\_\_\_  
 Postal Address : \_\_\_\_\_  
 Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

And I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Safety at Sport and Recreation Event Act of 2010, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 1956, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

#### FLAMMABLE SUBSTANCES TO BE STORED

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity

For what is the LPG mainly use?

Domestic		Commercial		Industrial	
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Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from the start of the installation till is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_\_\_ Place: \_\_\_\_\_

Certificate/Permit is valid for 12 months from the date issued and shall always be kept in the premise and maintained in a legible condition.

Receipt No. : \_\_\_\_\_ Amount R \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_  
 Applicant

#### Annexure IX

#### APPLICATION FOR STORAGE, HANDLING OF BULK FLAMMABLE GAS

Serial No: **WDM/VWT/FGB/14/02/2015**

I \_\_\_\_\_

ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for handling, storage vessels and distribution of liquid petroleum gas within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_  
 ERF No: \_\_\_\_\_ Suburb: \_\_\_\_\_  
 Physical Address : \_\_\_\_\_  
 Postal Address : \_\_\_\_\_

Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

And I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environmental Management Act of 1998, Waste Act of 2008 and other relevant legislations.

#### FLAMMABLE SUBSTANCES TO BE STORED

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity

For what is the LPG mainly use?

**Domestic** ☐

**Commercial** ☐

**Industrial** ☐

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from the start of the installation till is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Certificate/Permit is valid for 12 months from the date issued and shall always be kept in the premise and maintained in a legible condition.

Receipt No. : \_\_\_\_\_

Amount R \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

#### Annexure X

#### APPLICATION FOR THE STORAGE AND SALE OF FIREWORKS

Serial No: **WDM/MOD/FW/05/08/2015**

I \_\_\_\_\_

ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for a letter or certificate of compliance for storage and sale of fireworks within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Business : \_\_\_\_\_

ERF No : \_\_\_\_\_ Suburb: \_\_\_\_\_

Business Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Business Tel : \_\_\_\_\_ Cell No \_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, South African National Standard, Safety at Sport and Recreation Event Act of 2010, Occupational Health and Safety Act of 1993, National Building Regulations and Building Standard Act of 1977, Explosive Act of 1956, Hazardous Substances Act of 1973, National Environmental Management Act of 1998 and other relevant legislations.

Type of shop	Quantity	Type of Explosives
Retailer	Max 500kg	
Wholesaler	Max 1000kg	

Take note that Municipality doesn't issue the license, only a letter or certificate of compliance to the Chief Inspector of Explosive.

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer for recommendations before and after receiving license from Chief Inspector of Explosives.

Applicant shall notify Fire Brigade in writing of any upgrade of the premise where fireworks are stored and sold.

Should the applicant want to keep more fireworks than stipulated by restriction, he/she shall have magazine erected and licensed.

The following documents shall be submitted to the Chief Fire Officer-

1. Completed application form from the SAPS.
2. Sketch plan for the Business (e.g. Scale 1:100).
3. A letter of consent from the owner of the premises
4. SA ID or Passport copy (Certified).
5. Proof of residence.
6. Business registration documents.

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Receipt No. : \_\_\_\_\_

Signature \_\_\_\_\_  
Applicant

Date \_\_\_\_/\_\_\_\_/20\_\_\_\_

#### **Annexure XI**

#### **LETTER OF COMPLIANCE (Example)**

Serial No: **WDM/MOD/FW/15/O8/2014**

**To: CHIEF INSPECTOR OF EXPLOSIVES  
SOUTH AFRICAN POLICE SERVICE  
PRETORIA**

**Date:** \_\_\_\_/\_\_\_\_/20\_\_\_\_

Sir/Madam

#### **Re: TRADING IN FIREWORKS**

The Fire Brigade Service Division has conducted Fire Safety Inspection at Modi Mall, Kwena Trading cc, Shop No: A 55 on the 15 August 2014 and it is hereby certified that at the time of inspection the premise was found in compliance with all the requirements set forth by the Municipality, By-Laws, Fire Brigade Services Act, National Building Regulation and Building Standard Act, Act no. 103 of 1977, Safety at Sport and Recreation Event Act of 2010 and South African National Standard code.

It is further confirmed that all minimum fire risk are reduced to an acceptable limit and the premise can safely keep, store and handle pyrotechnics of mass not exceeding 500kg in a dry packaging inside a lockable glass display.



No fireworks to be sold to children under the age of 18 years.  
The compliance letter is valid for twelve (12) months from the date of issue.

This Division has the right to withdraw certificate if found in contravention with the By-Laws, Fire Brigade Services Act, National Building Regulation and Building Standard Act of 1977, South African National Standard Codes, Safety at Sport and Recreation Event Act of 2010, and other relevant legislations

For further enquiries please feel free to contact us.

You're sincerely

\_\_\_\_\_  
Chief Fire Officer

### **Annexure XII**

#### **APPLICATION FOR FIRING, DISPLAY OR EXPLODING OF FIREWORKS**

Serial No: **WDM/MOD/FWF: 11/11/2015**

I \_\_\_\_\_

ID No: \_\_\_\_\_

Physical Address: \_\_\_\_\_

ERF No: \_\_\_\_\_ Suburb: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Hereby applying to the Waterberg District Municipality for the firing, display or discharging of fireworks within the

Jurisdiction of the Municipal area of: \_\_\_\_\_

Reason for firing: \_\_\_\_\_

Day, date, time upon which the firing/discharge will take place:

\_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, South African National Standard, Occupational Health and Safety Act of 1993, National Building Regulations and Building Standard Act of 1977, Safety at Sport and Recreation Events Act, Act No. 2 of 2010, Explosive Act of 1956, Hazardous Substances Act of 1973, National Environment Management Act of 1998, Waste Act of 2008 and other relevant legislations.

Details of the person who will be discharging fireworks

Full Names : \_\_\_\_\_

ID No. : \_\_\_\_\_

Physical Address: \_\_\_\_\_

ERF No : \_\_\_\_\_ Suburb: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Tel No : \_\_\_\_\_ Cell No: \_\_\_\_\_

Take note that Municipality doesn't issue the licence, only a letter of compliance to the Chief Inspector of Explosive.

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer for recommendations before and after receiving licence from Chief Inspector of Explosives.

Fire Brigade Service shall be on standby during firing or discharging of fireworks against the prescribed fee.

The person, company or organisation responsible for the firing, display of fireworks shall supply the Controlling Authority with an indemnity in order to safeguard the members of the public, Controlling Authority and its officials from any claims resulting in a loss of life, injury or damage to property that may result from the public fireworks display.

A written permission must be obtained from the South African Police Service (Chief Inspector of Explosives), prior to firing or display of fireworks takes place and copy to be forwarded to the Local Authority.

The following documents shall be submitted to the Chief Fire Officer-

- (1) Completed application form from the SAPS Chief Inspector of Explosives.
- (2) Sketch plan for the venue or premises indicating the firing point, spectator area, safety distances etc.
- (3) A letter of consent from the owner of the premises
- (4) SA ID or Passport copy (Certified).
- (5) Proof of residence.
- (6) Proof of Authorization from Civil Aviation Authority.

Applicant is granted only 14 working days to make any corrections indicated to him/ her on the checklist without an additional cost, but if the 14 days exceeded, the prescribed fee must be paid again before permit/ certificate can be issued.

Details of Fireworks/ Pyrotechniques to be used

\_\_\_\_\_

Reason for Display: \_\_\_\_\_

Date and Time of Display: \_\_\_\_/\_\_\_\_/20\_\_\_\_ Time from: \_\_\_\_:\_\_\_\_ Time to: \_\_\_\_:\_\_\_\_

Details of the owner of the premises

Full Names : \_\_\_\_\_

ID No. : \_\_\_\_\_

Home Address : \_\_\_\_\_

ERF No: \_\_\_\_\_ Suburb: \_\_\_\_\_

Postal Address : \_\_\_\_\_

Tel No. : \_\_\_\_\_ Cell No.: \_\_\_\_\_

Signature \_\_\_\_\_  
Owner of Premise

Date \_\_\_\_/\_\_\_\_/20\_\_\_\_

Signature \_\_\_\_\_  
Applicant

Date \_\_\_\_/\_\_\_\_/20\_\_\_\_

Signature: \_\_\_\_\_  
Pyrotechnician

Date \_\_\_\_/\_\_\_\_/20\_\_\_\_

### **Annexure XIII**

#### **APPLICATION FOR DANGEROUS GOODS TRANSPORT PERMIT**

Serial no : **WDM/MOD/TDG/45/02/2015**

I \_\_\_\_\_  
ID \_\_\_\_\_ No:

Hereby wish to apply to the Waterberg District Municipality for permit to transport dangerous goods within the jurisdiction of the Municipal area of: \_\_\_\_\_ and

I declare I'm the owner or responsible person for the said premises and vehicle stated below:

Name of Premise : \_\_\_\_\_  
 ERF No : \_\_\_\_\_ Suburb: \_\_\_\_\_  
 Physical Address : \_\_\_\_\_  
 Postal Address : \_\_\_\_\_  
 Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

Details of transportation/ Vehicle Requiring Certificate of Registration

Make : \_\_\_\_\_ Description: \_\_\_\_\_ Reg no: \_\_\_\_\_  
 VIN no. : \_\_\_\_\_ Tare \_\_\_\_\_ kg GVM: \_\_\_\_\_  
 Number of Tanks : \_\_\_\_\_ Tanks Capacity: \_\_\_\_\_  
 Year Tank Manufactured: \_\_\_\_\_ DG Registration No: \_\_\_\_\_

Quantity of Flammable Substances to be conveyed

Flammable liquids:	Solids:	Gases:
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I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, South African National Standard, National Road Traffic Act of 1996 and Regulations, Occupational Health and Safety Act of 1993, Explosive Act of 2003, Hazardous Substances Act of 1973 and other relevant legislations.

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer for approval. The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/ her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued.

Date of previous inspection : \_\_\_\_/\_\_\_\_/20\_\_\_\_ Place: \_\_\_\_\_

Receipt No. : \_\_\_\_\_ Amount  
 R \_\_\_\_\_

Certificate/Permit is valid for 12 months from the date issued and must always be kept in the vehicle and be maintained in a legible condition.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_  
 Applicant (Operator)

**ANNEXURE XIV**

**EXEMPTION FROM TRANSPORT PERMIT**

GROUP	DESCRIPTION	QUANTITY
1	<b>Explosives</b>	No Exemption
2	<b>Gases</b>	
	Flammable Gases	Total cylinder capacity may not exceed 50kg
	Non-Flammable Gases	Total cylinder capacity may not exceed 333kg

	Toxic Gases	No Exemption
3	<b>Flammable Liquids</b>	
	With flash point >18°C	Total quantity may not exceed 100 litres
	With flash points >18° but <23°C	Total quantity may not exceed 420 litres
	With flash points >23°C but <61°C	Total quantity may not exceed 1100 litres
	With flash points >61°C but <100°C	Total quantity may not exceed 1100 litres
4	<b>Flammable Solids</b>	
	Flammable solids	Total quantity may not exceed 250kg
	Pyrophoric substances	No Exemption
	Water-reactive substances	No Exemption
5	<b>Oxidising Agents and Organic Peroxides</b>	
	Oxidising Agents	Total quantity may not exceed 200kg
	Group 1 Organic Peroxides in packets	No Exemption
	Group 2 Organic Peroxides in packets	Total quantity may not exceed 200kg
6	<b>Toxic or Infective Substances</b>	
	Group 1 Toxic Substances in packets	Total quantity may not exceed 5kg
	Group 2 Toxic Substances in packets	Total quantity may not exceed 50kg
	Group 3 Toxic Substances in packets	Total quantity may not exceed 500kg
	Infective Substances	No Exemption
7	<b>Radioactive Material</b>	No Exemption
8	<b>Corrosive or Caustic Substances</b>	
	Group 1 Acids in packets	Total quantity may not exceed 50kg
	Group 2 Acids in packets	Total quantity may not exceed 200kg
	Group 3 Acids in packets	Total quantity may not exceed 1000kg
	Group 1 Alkaline Substances in packets	Total quantity may not exceed 50kg
	Group 2 Alkaline Substances in packets	Total quantity may not exceed 200kg
	Group 3 Alkaline Substances in packets	Total quantity may not exceed 1000kg
9	<b>Miscellaneous Substances</b>	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210kg

**Annexure XV****APPLICATION FOR STOREROOM OF FLAMMABLE SUBSTANCE**Serial No: **WDM/MOD/TEMS/16/02/2015**

I \_\_\_\_\_ ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for storeroom of flammable substance within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_

ERF No : \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environment Management Act of 1998, Waste Act of 2008 and other relevant legislations.

**FLAMMABLE SUBSTANCES TO BE STORED**

Flammable Substance	Product Name	UN no	Class	Packaging Group	Total Quantity

Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from the start till the installation is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/ her on the checklist without additional cost, but if the 14 days exceeded, the prescribed fee must be again before permit/ certificate can be issued.

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_\_\_ and Place: \_\_\_\_\_

Certificate/ Permit is valid for 6 months and shall be kept on the premise at all times and be maintained in a legible condition.

Receipt No. : \_\_\_\_\_

Amount R \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

**Annexure XVI****APPLICATION FOR THE SPRAYING BOOTH AND DECANTING ROOM**

Serial No: **WDM/MOD/TEMS/16/02/2015**

I \_\_\_\_\_ ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for the fire registration certificate for spraying booth and decanting room within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_

Erf No : \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973, National Environment Management Act of 1998, Waste Act of 2008 and other relevant legislations.

**FLAMMABLE SUBSTANCES ON THE PREMISES**

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity


Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from the start till the installation is completed and approved.

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued.

Applicant is granted only 14 working days to make any corrections indicated to him/ her on the checklist without additional cost, but if the 14 days exceeded, the prescribed fee must be again before permit/certificate can be issued.

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_ and Place: \_\_\_\_\_

Certificate/ Permit is valid for 12 months and shall be kept on the premise at all times and be maintained in a legible condition.

Receipt No. : \_\_\_\_\_

Amount R \_\_\_\_\_

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_

#### **Annexure XVII**

#### **APPLICATION FOR DRY-CLEANING PERMIT**

Serial No: **WDM/MODI/DCP/05/02/2015**

I \_\_\_\_\_

ID No: \_\_\_\_\_

Hereby wish to apply to the Waterberg District Municipality for dry-cleaning permit within the jurisdiction of the Municipal area of: \_\_\_\_\_ and I declare I'm the owner or responsible person for the premises stated below:

Name of Premise : \_\_\_\_\_

Erf No : \_\_\_\_\_ Suburb: \_\_\_\_\_

Physical Address : \_\_\_\_\_

Postal Address : \_\_\_\_\_

Telephone No : \_\_\_\_\_ Cell No: \_\_\_\_\_

And I also undertake to comply with the requirements as stipulated in the Municipal By-Laws, Fire Brigade Services Act 1987, National Building Regulations and Building Standard Act of 1977, South African National Standard code, Safety at Sport and Recreation Event Act of 2010, Occupational Health and Safety Act of 1993, Trade Metrology Act of 1973, Mine Health and Safety Act of 1996, Explosive Act of 2003, Hazardous Substances Act of 1973 and other relevant legislations.

#### **FLAMMABLE SUBSTANCE ON THE PREMISE**

Flammable Substance	Product Name	UN no	Class	Group	Total Quantity



Fire Safety Inspection shall be conducted by Chief Fire Officer or his/her designated officer from start till the installation is completed and approved;

The authority reserves the right to upon any other defects not mentioned herein being rectified before permit can be issued;

Applicant is granted only 14 working days to make any corrections indicated to him/her on the checklist without additional cost, but if the 14 days exceeded the prescribed fee must be paid again before permit/certificate can be issued;

Date of previous inspection: \_\_\_\_/\_\_\_\_/20\_\_\_\_ and Place: \_\_\_\_\_

Certificate/Permit is valid for 12 months from the date issued and shall be kept in the premise at all times and maintained in a legible condition.

Receipt No. :

Signature: \_\_\_\_\_  
Applicant

Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

### **ANNEXURE XVIII**

#### **GUIDELINES FOR EMERGENCY EVACUATION PLANS**

##### **Implementation of emergency evacuation plans**

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team;
2. Any emergency evacuation plan must contain at least the following information under the headings listed below.

##### **The content of an emergency evacuation plan**

3. Any emergency evacuation plan must contain the following:
  - (a) Emergency telephone numbers
  - (b) The address of the premises in question
  - (c) The nature of the activities on the premises
  - (d) The number of staff members present on the premises at any time
  - (e) An indication of whether or not there is a control room on the premises
  - (f) An indication of whether or not there is an alarm system on the premises
  - (g) Particulars of contact persons
4. An area study with the following information:
  - (a) History of incidents on the premises in question
  - (b) Important features/landmarks with regard to the location of the premises
  - (c) Key information of adjacent premises
  - (d) Particulars regarding socio-economic or other threats and the potential impact of these threats on premises
5. Particulars of the following equipment available on the premises:
  - (a) Equipment in the control room
  - (b) Fire-fighting and first-aid equipment throughout the premises
  - (c) Any other equipment
6. The following information on manpower:
  - (a) Emergency management
  - (b) Continuity officers
  - (c) Fire teams
  - (d) First-aid teams

##### **Building plans layout and maps**

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

##### **Emergency telephone numbers and bomb threat questionnaire**

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

##### **The emergency evacuation plan in its entirety**

9. The entire emergency evacuation plan must be made available to every member of the emergency management team and i.e.
- (a) Management
  - (b) First aid and Fire teams
  - (c) A number of copies must be kept in a safe in the control room.

**DUTIES AND RESPONSIBILITIES OF EMERGENCY TEAM MEMBERS**

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

**TRAINING OF STAFF MEMBERS**

11. Designated staff members must be trained in the following:

- a. First aid and/or fire fighting
- b. Emergency aid
- c. Emergency evacuation procedures
- d. Emergency management techniques

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

**ACTION PLANS AND EMERGENCY PROCEDURES**

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

**EMERGENCY EVACUATION AWARENESS**

13. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.

**EMERGENCY EVACUATION DRILLS**

14. All emergency evacuation plans must be drilled at least annually, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill;

**EMERGENCY PLAN REGISTER**

15. The plan must include-
- (a) An updated register of the emergency evacuation plan;
  - (b) An updated drill registers for the emergency evacuation plan;
  - (c) A bomb threat questionnaire;

**REVIEW OF EMERGENCY EVACUATION PLAN**

16. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer; Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premise or that in possession of the emergency management team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan;

**ANNEXURE XIX**

**MATERIAL SAFETY DATA SHEET**

- a) Material Safety Data Sheets and sample package labels for each substance in the warehouse / transportation.
- b) Material Safety Data Sheets with sixteen sections cover:
  1. Product and Company Identification
  2. Hazards Identification
  3. Composition, Information on Ingredients
  4. First Aid Measures
  5. Fire Fighting Measures
  6. Accidental Release Measures
  7. Handling And Storage
  8. Exposure Controls, Personal Protection
  9. Physical and Chemical Properties
  10. Stability And Reactivity

11. Toxicological Information
12. Ecological Information
13. Disposal Considerations
14. Transport Information
15. Regulatory Information
16. Other Information

**148. Procedures and duties during an emergency situation**

- (1) The Chief Fire Officer or a member of service who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that
  - (a) Adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
  - (b) The emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2 (3) of these bylaws, and
  - (c) All pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act;
- (2) All persons and/or bodies, including any State Department as contemplated in section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1) (c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.

**ANNEXURE XX**

**NORMATIVE REFERENCE LIST**

**1. NATIONAL LEGISLATION**

Where reference is made in these by-laws to a National Act, the reference relates to the latest amended version of an Act bearing the number and title indicated in the following table:

No	Act No	Title of the Act
1	99 of 1987	Fire Brigade Service Act 1987
2	103 of 1977	National Building Regulation and Building Standards Act, 1977
3	101 of 1998	National Veld and Forest Fire Act, 1998
4	63 of 1977	Health Act 1977
5	32 of 2000	Municipal systems Act, 2000
6	117 of 1998	Municipal Structures Act, 1998
7	101 of 1998	National Veld and Forest Fire Act, 1998
8	10 of 1998	Rationalization of Local Government Affairs Act, 1988
9	15 of 1973	Hazardous Substance Act, 1973
10	85 of 1993	Occupational Health and Safety Act, 1985
11	93 of 1996	National Road Traffic Act, 1996
12	93 of 1999	National Road Traffic Regulation, 1999
13	68 of 1995	South African Police Service Act, 1995
14	32 of 1944	Magistrate Courts Act, 1944
15	26 of 1956	Explosives Act, 1956
16	43 of 1996	National Archives of South Africa Act, 1996
17	107 of 1998	National Environmental Management Act, 1998
18	103 of 1987	Criminal Procedures Act, 1987
19	36 of 1998	National Water Act, 1998
20	59 of 2008	Waste Act, 2008
21	108 of 1997	Water Services Act, 1997

**NORMATIVE REFERENCES**

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

NO	SANS CODES	TITLE
1	SANS 310	Storage tank facilities for hazardous chemicals: Above-ground storage tank facilities for flammable, combustible and non-flammable chemicals
2	SANS 10400	
3	SANS 1128:1	Firefighting Equipment: Components of Underground and Above-ground Hydrant Systems
4	SANS 1156:1	Hose for Liquefied Petroleum Gas: Hose used in Road and Rail Transport
5	SANS 1157	Transport of dangerous goods: Inspection requirements of road vehicles for the issue of municipal dangerous goods transport permits
6	SANS 1518	Transport of dangerous goods: Design construction, testing, approval and maintenance of road vehicles and portable tanks
7	SANS 1186	Symbolic Safety Signs
8	SANS 193	Fire Dampers
9	SANS 1253	Fire Doors and Fire Shutters
10	SANS 1475:1	The Production of Reconditioned Firefighting Equipment: Portable and Wheeled (Mobile) Rechargeable Fire Extinguishers
11	SANS 1475:2	The Production of Reconditioned Firefighting Equipment: Fire Hose Reels and Above-ground Hydrants
12	SANS 1543	Fire Hose Reels
13	SANS 1910	Portable Rechargeable Fire Extinguishers Dry Chemical Powder, Water and Foam Type
14	SANS 10082	Timber Frame Buildings
15	SANS 10087:1	The handling, storage, distribution and maintenance 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 500 L and a combined water capacity not exceeding 3 000 L per installation
16	SANS 10087:2	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial, and industrial installations Part 2: Installation of LPG systems in mobile units, including but not limited to caravans, motor homes, park homes and mobile kitchens
17	SANS 10087:3	
18	SANS 10087:4	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial and industrial installations Part 4: The transportation of LP gas including the design, construction, inspection, fittings, filling, maintenance and repair of LP gas bulk vehicles and rail tank cars
19	SANS 10087:6	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial, and industrial installations Amdt 1 Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines
20	SANS 10087:7	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial, and industrial installations Part 7: Storage and filling premises for refillable liquefied petroleum gas (LPG) containers of gas capacity not exceeding 19 kg and the storage of individual gas containers not exceeding 2148 kg
21	SANS 10087:8	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial and industrial installations Part 8: The fuelling of fork lift trucks and other LP gas operated vehicles
22	SANS 10087:10	The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial and industrial installations Amdt 1 Part 10: Mobile filling stations for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg
23	SANS 10089:1	The petroleum industry Part 1: Storage and distribution of petroleum products in above-ground bulk installations

24	SANS 10089:2	The petroleum industry Part 2: Electrical and other installations in the distribution and marketing sector
25	SANS 10089:3	The petroleum industry Part 3: The installation, modification, and decommissioning of underground storage tanks, pumps/dispensers and pipework at service stations and consumer installations
26	SANS 10090	Community Protection Against Fire
27	SANS 10105:2	The use and control of fire-fighting equipment: Fire Hose Reels and above-ground Hydrants
28	SANS 10131	Above-ground storage tanks for petroleum products
29	SANS 10072	The Safe Handling of Pesticides
30	SANS 10187:8	Load Securement on Vehicles Part 8: Dangerous Goods
31	SANS 10206	The handling, storage and disposal of pesticides
32	SANS 10400	
33	SANS 10405	Transport of Dangerous Goods by Rail- Operational and Design Requirement and Emergency Preparedness
34	SANS 11014	Transport of Dangerous Goods by Rail- The processing of Previously Certified Packaging
35	SANS 10139	Fire Detection and Alarm Systems for Buildings: Systems Design, Installation and Servicing
36	SANS 10228	The identification and classification of dangerous goods for transport by road and rail modes
37	SANS 10229:1	Transport of dangerous goods — Packaging and large packaging for road and rail transport Part 1: Packaging
38	SANS 10229:2	Transport of dangerous goods — Packaging and large packaging for road and rail transport Part 2: Large packaging Transport of dangerous goods — Packaging and large packaging for road and rail transport Part 2: Large packaging
39	SANS 10231	Transport of dangerous goods by road — Operational requirements
40	SANS 10232:1	Transport of dangerous goods —Emergency information systems Part 1: Emergency information system for road transport
41	SANS 10232:3	Transport of dangerous goods — Emergency information systems Part 3: Emergency response guides
42	SANS 10232:4	Transport of dangerous goods — Emergency information systems Part 4: Transport emergency card
43	SANS 10233	Transport of dangerous goods — Intermediate bulk containers for road and rail transport
44	SANS 10234	Globally Harmonized System of classification and labelling of chemicals (GHS) Warning — Can only be used in conjunction with the Supplement to SANS 10234
45	SANS 10252:1	Water Supply and Drainage for Buildings: Water Supply Installations for Buildings
46	SANS 10263:0	The warehousing of dangerous goods Part 0: General requirements
47	SANS 10263:2	The warehousing of dangerous goods Part 2: The storage and handling of gas cylinders
48	SANS 10263:5	The warehousing of dangerous goods Part 5: The storage and handling of oxidizing substances
49	SANS 10263:8	The warehousing of dangerous goods Part 8: The storage and handling of corrosive substances
50	SANS 10304:1	The classification of pesticides and stock remedies for sale and handling in South Africa Part 1: The classification of pesticides
51	SANS 10313	Protection Against Lightning: Physical Damage to Structures and Life Hazard
52	SANS 10366	Health and Safety at Events: Requirements
53	SANS 10368	Transport of low-hazard goods in bulk —Emergency information for road vehicles

**ANNEXURE XXI****FINES**

<b>SECTION CONTRAVENE D</b>	<b>DESCRIPTION OF OFFENCE</b>	<b>FINE</b>
9(3)(a) to (d)	Failing to comply with the remedial action set forth by controlling authority.	R5000
9(4)	Failing to bear the cost.	
10(1)	Failure to allow controlling authority to conduct an investigations.	R5000
11	Failure to comply with a notice issued by the controlling authority.	R5000
15(1)	Failure to report any fire hazards and other threatening danger to the service.	R5000
16(1)(2)	Illegitimate wearing of fire services uniform or any other way masquerade as a member of the fire services. (impersonating to be a member of the services)	R5000
17(1)	Illegitimate use of Identification certificate of a member.	R5000
18(3)	Failure to allow member of service to seal off any building, closing street for public safety or effective firefighting.	R5000
18(4)(b)(i) to (v)	Failure to allow member of service to exercise his or her powers as set forth in the Criminal Procedure Act (Act No 51 of 1977) as amended.	R5000
20(1)	Failure to submit building plans for approval.	R5000
20(2)	Failure to pay prescribed fee for the approval of the plan.	R5000
20(4)	Commencing with construction work on site without an approved plan.	R5000
20(4)	Failing to avail approved plans on the site for the duration of constructions for inspection by the service.	R5000
21(1)	Failing to comply with the requirement of the existing premises.	R5000
21(2)(a)(b)	Making addition, alterations on an existing premises without an approved plan.	R5000
22(2)	Failing to design and construct building to allow drainage of water used during fire extinguishing.	R5000
22(3)(a)(b)	Building or erecting a Low or High voltage transformer room on any level other than ground level.	R5000
22(4)	Installing sprinkler system without a plan, design, following the guidelines and not consulting the service.	R5000
23(1)	Failing to comply with the minimum engineering requirements.	R5000
23(2)(a)(b)(c)	Failing to consult with the relevant departments before designing and construction of landfill site.	R5000
24(1)(2)(3)	Failing to apply to the service for the erection of a temporary structure or tent for event or public gathering.	R5000
24(4)	Using the certificate for an extended duration of the event or gathering.	R5000
24(6)	Using the certificate for other premises or structure rather than the one was issued for.	R5000
24(8)(a)(b)(c)(d)	Failing to submit an application to the service for fire safety inspection.	R5000
24(9)(a)(i)(ii)(iii)(iv)(b)(i)(ii)(iii)(iv)	Failing to submit an application with the required documents.	R5000
24(10)	Failing to use flame resistant or flame retardant materials.	R5000
24(11)	Failing to arrange an inspection with the controlling authority after the structure has been erected.	R5000
24(11)(i)(ii)(iii)	Failing to submit additional documents after completing the structure.	R5000
24(12)(a)(b)	Failing to provide a clear safety distance required by this By-law.	R5000
24(12)(c)(i)(ii)(iii)(iv)	Failing to comply with National Building Regulation T1.	R5000
24(12)(d)	Population density of the structure not complying with National Building Regulation A21.	R5000
24(12)(e)(f)	Allowing cooking and open fire in a tent.	R5000
24(12)(g)	Failing to ensure that no open flame or fire is permitted as required by these By-law.	R5000



24(12)(h)	Failing to place symbolic safety signs in a tent.	R5000
24(12)(h)	Allowing people to smoke in a tent.	R5000
24(12)(i)	Failing to install lighting and wiring according to the required standard.	R5000
24(13)	Failing to supply controlling authority with additional requirement.	R5000
25(1)(a) to (e)	Failing to comply with the requirement for the design and construction of structures stipulated in these By-law.	R5000
25(1)(f)	Failing to comply with the requirements to design and construct a rational design as contemplated by the National Building Regulations.	R5000
25(2)(a)(b)(c)(d)	Failing to design and construct hangars or halipads to drain, channel any liquid as required by these By-law.	R5000
26(1)	Failing to comply with the relevant legislations.	R5000
26(2)	Failing to consult with the relevant departments.	R5000
27(1)	Failing to maintain a fire door and assemblies in accordance with the requirements.	R5000
27(2)	Keeping the fire door open without automatic releasing hold-open-device.	R5000
27(3)(a)(b)(c)(d)(e)(f)	Rendering or causing a fire door and assembly less effective.	R5000
28(1)	Failing to comply with the requirements of emergency exit and escape routes.	R5000
28(2)	Failing to fit a locking device approved by the controlling authority.	R5000
28(3)	Failing to indicate an escape routes and doors with clear and approved symbolic safety signs.	R5000
28(4)(a)(b)	Failing to ensure that escape door is fitted with the required hinges and locking devices.	R5000
28(5)(a)(b)	Failing to comply with the requirements for doors in a feeder route.	R5000
28(6)	Failing to provide an alternative means of escape when feeder route is locked.	R5000
28(7)	Failing to ensure that escape routes are not obstructed.	R5000
29(1)	Failing to comply with the requirements to design, construct and install extractor fans.	R5000
29(2)	Failing to maintain an extractor fan system in accordance with the requirements.	R5000
29(3)	Failing to ensure that installed extractor fans does not pose fire hazards to any property.	R5000
30(1)	Failing to design and install sprinkler system in accordance with the requirements.	R5000
30(2)(a)(b)	Failing to comply with the design, construction or installation requirements of a sprinkler system.	R5000
31(1)	Failing to provide and install portable fire extinguisher on premises or buildings.	R5000
31(2)	Authorizing a person without a permit or certificate to do maintenance on portable fire extinguishers.	R5000
31(3)	Failing to comply with the instruction of the controlling authority to have appliance tested and inspected.	R5000
31(4)	Failure to ensuring that you're issued with a certificate of compliance.	R5000
32(1)	Failing to ensure that sufficient water supply for fire-fighting purposes is designed when developing a township.	R5000
32(3)	Failing to ensure that fire hydrants are plotted on a plan in accordance with the requirements when developing a township.	R5000
32(4)	Failing to adapt water reticulation from any risk area to high risk category.	R5000
32(5)	Failing to ensure that fire protection plans for the premises to be connected are approved by the controlling authority.	R5000
32(5)(a)	Failing to calculate and design water supply for each sprinkler installation and size, delivery pressure and flow must be calculated by the responsible engineer.	R5000
32(5)(b)	Failure to provide the premises with larger water supply for fire-fighting equipment in accordance with the requirements.	R5000
32(5)(c)	Failing to ensure that size, work pressure and flow are calculated and designed in accordance with the requirements.	R5000

32(5)(d)	Obtaining water connection to water reticulation system without fire protection plan been approved.	R5000
32(6)(i)	Failing to ensure that storage capacity and rate of replenish of reservoir supplying water to the township is sufficient for fire-fighting purposes.	R5000
32(6)(ii)	Failing to ensure that water supply to any area in the township can be provided from more than one direction.	R5000
32(6)(iii)	Failing to install double supply main and double pumps.	R5000
33(1)(a)(b)	Failing to apply for certificate of compliance for erecting any public building or temporary structure.	R5000
36(2)	Failing to keep the certificate on the premises for inspection.	R5000
36(3)	Failing to notify the service in writing of the change of the premises trade name.	R5000
36(4)(a)(b)(c)(d)(e)	Failing to comply with the provisions of certificate or permit.	R5000
37(1)	Failing to renew a certificate or permit.	R5000
38(1)(c)	Giving false information on an application form.	R5000
38(1)(d)	Making an incorrect or false statement in placards affixed.	R5000
38(1)(f)	Performing any act or duty under these By-law in a negligent manner.	R5000
38(1)(h)	Causing a severe breach of a permit or certificate issued to an operator.	R5000
38(1)(g)	Changing anything relating or in connection with the premises for which a certificate or permit has been issued.	R5000
39(1)	Failing to apply for the replacement of certificate or permit.	R5000
40(3)	Failing to apply for a transfer of certificate.	R5000
41(1)	Failing to apply for amendments of certificate or permit.	R5000
42(1)(a)(b)(c)	Failing to plan, design and construct access to premises for fire and rescue appliances for fire-fighting and rescue purposes.	R5000
42(2)(a)(b)	Failing to comply with the requirements for easy identification of premises number and maintenance thereof.	R5000
43(1)(a)(b)	Failing to remove all combustible material, lock, and barricade or secure windows of vacant building.	R5000
44(1)	Denying a member of service an access to the premises for inspection.	R5000
44(2)(3)(4)	Failing to adhere to notice, orders, instructions and directives of a member to reduce fire risk or remedy the situation.	R5000
44(5)	Failing to inform the chief fire officer about the measures he or she intends to take to rectify the condition.	R5000
44(6)	Failing to meet the deadline set forth by the chief fire officer.	R5000
45(1)	Failing to make access to firefighting equipment and mitigating agent.	R5000
46(1)(a)(b)(c)(d)(e)(f)(g)	Failing to ensure that all fire-fighting equipment and mitigating agent are serviced and maintained.	R5000
46(2)(a)	Failing to certify in writing the functionality of the installed, repaired fire fighting equipment.	R5000
46(2)(b)	Failing to furnish the owner of the premises with certificate of compliance.	R5000
46(2)(c)	Failing to notify the service in writing about the fire equipment that can't be repaired to its functional state.	R5000
46(3)	Failing to keep a comprehensive service record of all fire-fighting equipment.	R5000
46(3)	Failing to keeps a comprehensive service record of all fire- fighting equipment.	R5000
46(4)	Removing or interfering with any fire-fighting or service installation at any premises.	R5000
46(5)	Altering, damaging or render ineffective any fire-fighting equipment at any premises.	R5000
47(1)(2)	Allowing a juristic natural person and without a permit or certificate to maintain firefighting equipment.	R5000
47(3)(6)	Removing fire extinguisher for servicing without a replacement of a similar appliance.	R5000
47(4) 53(2)	Servicing fire extinguisher and fire protection systems on an unsafe area.	R5000
47(5)	Altering with fire-fighting equipment.	R5000

48(1)(a)(b)(c)	Failing to formulate an emergency evacuation plan for the premises.	R5000
48(1)(c)(i)	Failure to revise and update emergency evacuation plan as when there are changes on the premises.	R5000
48(1)(c)(ii)	Failing to keep and maintain documents for emergency evacuation plan.	R5000
48(1)(c)(iii)	Failing to avail emergency evacuation plan and relevant documents in the control room for inspection by the service.	R5000
48(1)(d)	Failing to identify a predetermined place of safety (assembly point) outside.	R5000
48(1)(e)	Failing to test and keep records of emergency evacuation plan.	R5000
48(1)(g)	Failing to install emergency evacuation plan box I a prominent position at the main entrance.	R5000
49(1)	Failing to submit a plan for approval.	R5000
49(4)	Failing to comply with the instructions from the service for remedial action in regard to non-compliance of the premises.	R5000
49(5)	Failing to comply with the requirements of a compliance certificate issued for the premises.	R5000
49(6)	Failing to display a compliance certificate on the premises.	R5000
49(7)	Failing to prevent overcrowding during public gathering.	R5000
50(1)	Holding a public gathering on temporary structure or building without compliance certificate.	R5000
51(1)	Allowing hazardous substances to pollute the environment	R5000
51(2)	Failing to report a spill or escape of any hazardous substances.	R5000
51(3)	Failing to take measures to prevent pollution from occurring, continuing or recurring.	R5000
51(4)	Failing to report hazardous substances incident to relevant department or authorities.	R5000
51(5)	Failing to prevent hazardous substances to pollute or degradation of environment from occurring or recurring.	R5000
51(6)72(2)	Dumping or spilling of flammable substances in unauthorized places.	R5000
51(7)	Failing to inform and educate employees about the environmental risks.	R5000
52(1)(2)	Failing to test and maintain fire protection systems.	R5000
52(3)	Failing to inform the owner or person in charge in writing of any defect discovered.	R5000
52(4)	Failure of the owner or person in charge to notify the controlling authority.	R5000
52(5)	Failure of the owner or person in charge to provide alternative equipment to maintain the level of safety.	R5000
52(6)	Failures of the owner or person in charge to let fire protection systems are examine or serviced.	
52(7)	Failing to furnish the chief fire officer with a service record of fire protection systems.	R5000
52(8)	Failing to issue the owner or person in charge with the certificate of compliance.	R5000
53(1)(a)	Failing to notify the occupants of the testing of fire protection systems.	R5000
54(4)(5)	Unauthorized removal, defacing, altering, tempering, damaging, render less effective of fire alarms and hydrant.	R5000
55(1)	Failure of the owner or person in charge to display escape routes plan in an occupancy.	R5000
56(1)(a)(b)	Overloading and incorrect use of all electrical appliances.	R5000
57(1)	Using of flame emitting devices that may pose a fire hazard.	R5000
58(1)	Storing combustible materials in a manner that will pose a fire hazard.	R5000
58(2)60(1)(2)(a)(i)(ii)(iii)(iv)(b)	Overgrowing of vegetation on a premises to an extend that it may pose a fire hazard.	R5000
58(3)	Failing to properly store and dispose combustible materials and refuse.	R5000
58(4)(a)	Using sawdust to soak any flammable liquids.	R5000
58(5)	Allowing soot or combustible materials to accumulate in chimney, flue or duct.	R5000
59(1)	Making fire in a manner in which it poses a potential threat to any human being, environment and properties.	R5000

59(1)(a)(b)(c)	Failing to use or making fire in an approved devices.	R5000
59(2)	Burning of combustible materials and refuse without the permission from the service.	R5000
60(4)(5)(a)(b)	Making fire breaks by burning without notifying Fire Protection Association Officer.	R5000
61(1)	Failing to submit an application to the service for certificate of registration.	R5000
61(4)(a)(b)(c)	Commencing and continuing with any activities on the premises intend to store, install hazardous substances.	R5000
61(5)(a)(b)	Failing to submit an application to the chief fire officer without relevant documents.	R5000
61(6)	Failing to install Material Safety Data Sheet in a prominent place on the premises.	R5000
62(1)	Storing, use, handle any dangerous goods without a registration certificate issued by chief fire officer.	R5000
63(1)	Storing, handle of any dangerous goods on unregistered premises.	R5000
63(1)(a)	Allowing dangerous goods or fumes of substances to come in contact with any fire, flames or naked light.	R5000
63(1)(b)	Obstructing the escape of human being and animals.	R5000
63(1)(c)(d)(e)	Failing to comply with the safety precautions of storing and handling of dangerous goods.	R5000
72(1)(a)(b)	Performing any act that may cause fire, explosion and obstruct the escape to safety of human beings and animals.	R5000
72(2)	Dumping of any dangerous substances into rivers, sewer, drains and borehole.	R5000
72(4)	Failing to comply with the safety distance.	R5000
72(5)	Failing to comply with the use of dangerous goods in any basement level in the building.	R5000
72(6)	Failing to comply with the requirement of the filling of a bus tank fuel and transport of any dangerous goods.	R5000
73(1)(a)	Failing to comply with the requirement for equipping premises with portable fire extinguishers.	R5000
73(1)(b)	Failing to comply with the requirement for equipping premises with fire hose reels.	R5000
73(1)(c)	Failing to comply with the requirement for equipping premises with fire hydrants.	R5000
73(1)(d)	Failing to comply with the requirements for equipping premises with sprinkler systems.	R5000
73(3)	Failing to indicate fire-fighting equipment with a symbolic safety signs.	R5000
73(4)(i)(ii)(iii)	Failing to supply extra fire-fighting equipment as requested by the controlling authority.	R5000
74(1)(a)	Supplying of more quantity of dangerous goods to any unregistered premises.	R5000
74(1)(b)	Delivering and supplying more dangerous goods than the quantity specified in the certificate of registration.	R5000
74(2)	Failing to comply with the requirements of handling containers containing dangerous goods.	R5000
74(3)	Supplying flammable substances to the premises that are not in possession of certificate of registration.	R5000
74(4)	Failing to issue Material Safety Data Sheet to the storage facilities that are supplied with hazardous substances.	R5000
75(1)(a)(b)(c)(d)(e)(f)(g)	Failing to comply with the requirements of delivering dangerous goods to a supplier.	5000
75(2)	Failing to use a device that is designed for the specific purpose and in good working condition.	R5000
75(3)	Failing to take reasonable precautionary measures to avoid spillage of dangerous goods during delivery	R5000
75(4)	Failing to comply with the requirements of transferring dangerous goods from one vehicle, ship, and boat to another.	R5000
75(5)	Failing to comply with the requirements of transferring dangerous goods to an aircraft.	R5000

76(1)(2)	Failing to notify the service and relevant departments about the changes you intend to make on the premises.	R5000
76(4)	Erecting a new structure on the premises after demolition took place without an approved plan.	R5000
76(5)	Failing to apply for certificate of compliance and registration certificate for a new structure on the premises.	R5000
77(1)	Failing to submit a plan with an application for a temporary certificate of registration to the service.	R5000
77(2)(a) (b)(c)(d)	Failing to comply with the requirements of requiring more quantity of dangerous goods on the premises.	R5000
77(3)(a)(i)(ii)(b)( c)(d)(e)(f)	Failure to comply with the requirements of an approved application for temporary storage tank.	R5000
78(1)	Failure to submit a plan for approval for permanent above and underground storage tanks.	R5000
78(3)	Failure to ensure that storage tanks pumps, dispenser and pipework comply with the relevant codes.	R5000
78(4)	Failure to ensure that a risk assessment is conducted.	R5000
78(5)(i)(ii)(iii)(iv)	Failing to ensure that all safety precautions are put in place for the premises.	R5000
79(1)	Failing to comply with the requirements to store, handle and install and liquid petroleum gas.	R5000
79(3)	Failing to inspect and test the installation.	R5000
79(4)	Failure to send a copy of certificate of conformity to the chief fire officer or the service.	R5000
79(6)(i) (ii)(iii)(iv)	Failing to comply with the requirement of installing liquid petroleum gas in a building.	R5000
79(7)	Placing fixed liquid petroleum gas installation in a garage.	R5000
79(8)(i) (ii)(iii)	Failing to comply with the requirement for outdoor installation of liquid petroleum gas.	R5000
79(9)	Installing liquid petroleum gas directly under the eaves of thatched roof.	R5000
79(10)	Failing to comply with the safety distance for installing liquid petroleum gas.	R5000
80(1)	Failing to comply with the requirements to, store, install and handle liquid petroleum gas in mobile units.	R5000
81(1)	Failing to comply the requirements with store, install and handle bulk storage vessel for liquid petroleum gas.	R5000
81(2)	Failure to submit a plan for approval for the installation.	R5000
81(3)	Failure to ensure that risk assessment is conducted.	R5000
81(4)	Failure to send a copy of conformity certificate to the chief fire officer or the service.	R5000
82(1)	Failing to comply with the requirements for storage and filling premises for liquid petroleum gas.	R5000
82(2)	Failing to submit an application forms.	R5000
83(1)(i)(ii)(iii)	Failing to comply with the requirements of container handling and storage safety precautions.	R5000
83(2)	Failing to label and mark the container containing flammable substances.	R5000
83(3)	Failing to comply with the requirements to extract flammable liquids from a container.	R5000
83(4)	Failing to store empty flammable liquid in a storeroom.	R5000
83(5)(i)(ii) (iii)(iv)(v)	Failing to comply with the requirements for open air storage of any empty flammable containers.	R5000
83(6)	Failure to comply with the requirement contemplated in section 61 and 62 of the By-laws.	R5000
83(7)	Failure to make provision of additional escape gate fitted with a sliding bolt or similar locking device.	R5000
84(1)	Entering storage tank containing group III dangerous goods without wearing an effective suitable breathing apparatus.	R5000
84(2)	Entering storage tank containing group III dangerous goods without a person attached to a rescue rope controlled by a responsible person.	R5000
84(4)	Entering any storage tank containing flammable liquids without tank	R5000

	being declared gas-free.	
84(5)(i)(ii)(iii)	Performing hot-work inside the tank before the tank is inspected.	R5000
85(1)	Failing to comply with section 76 of these By-laws.	R5000
85(2)(i) (ii)(iii)(iv)	Failing to notify relevant Authorities within specified period of time of the cessation.	R5000
85(3)	Failing to fill the underground tank with liquid cement slurry.	R5000
86(1)	Using, dealing or discharging of fireworks without permit or certificate issued by the SAPS Chief Inspector of explosives.	R5000
86(3)	Failing to apply to the chief fire officer or the service to use, deal or discharge any fireworks.	R5000
86(4)(i)(ii)(iii)(iv) (v)	Failing to submit application with the required supporting documents.	R5000
63(5)	Failing to submit application to the chief fire officer before time period set forth by the service.	R5000
86(6)	Failing to notify the chief fire officer before opening and commence with fireworks day to day business.	R5000
86(7)	Failing to comply with the conditions as indicated on the letter issued to the chief inspector of explosives.	R5000
86(8)	Amending and transferring a letter issued to SAPS chief inspector of explosives.	R5000
86(9)	Failing to sell fireworks in their original packages.	R5000
86(10)	Walking around or traveling with fireworks not in their sealed original package.	R5000
86(11)	Displaying fireworks on windows or any other place where fireworks can be interfered with by the public.	R5000
86(12)(i)	Failure of the dealer to affixed notice reading <b>"Dealer in Fireworks"</b> at every entrance.	R5000
86(12)(ii)	Failure of the dealer to affixed notice reading <b>"No Smoking"</b> inside the premises.	R5000
86(13)(i)	Failing to take all precautions to prevent accident by fire.	R5000
86(13)(ii)	Failing to prevent unauthorized persons to have access to fireworks.	R5000
86(13)(iii)	Failing to abstain from any act that may cause fire.	R5000
86(13)(iv)	Keeping flammable liquids together with fireworks.	R5000
86(13)(v)	Failing to store fireworks 5 meters away from matches.	R5000
86(14)	Smoking or taking naked light in the premises where fireworks are kept, handled or stored.	R5000
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86(16)	Supplying fireworks to unlicensed dealer by a manufacturer or wholesale dealer.	R5000
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86(17)(b)	Retail dealer interferes with inner packing of fireworks or allow, permit to be interfered with.	R5000
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86(17)(d)	Sell fireworks to a child or person under the age of 16 years.	R5000
86(17)(e)	Failing to furnish each employee with a copy of chapter 9 of explosive Act (Fireworks Regulations).	R5000
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86(19)	Handling or attempt to handle fireworks while under the influence of intoxicating liquor or narcotics.	R5000
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86(21)	Dealing in fireworks without a license issued by the Chief Inspector of Explosives.	R5000
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91(1)(c)	Failing to pay the expenses incurred after taking samples.	R5000
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	signs.	
108(2)(b)	Failing to indicate flammable substance group and their corresponding quantities outside the door.	R5000
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108(4)(a)(b)(c)(i)(ii)(aa)(bb)	Failing to comply with the requirements of the construction of any storeroom.	R5000
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109(1)(i)(ii)	Failing to comply with the requirement of storing any flammable substances.	R5000
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111(4)	Failing to invite the chief fire officer to the premises to conduct an inspection.	R5000
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111(7)	Failing to comply with conditions as indicated on the application.	R5000
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119(1)(c)	Entering spray-painting room without authority from the owner,	R5000

	occupier or person in control.	
119(1)(d)	Using spray-painting room for any purpose other than spray-painting.	R5000
119(1)(e)	Allowing any person to enter spray-painting room with mechanical ventilation system not operating.	R5000
120(1)(a)	Failing to display permit, certificate for spray-painting room prominently in a weatherproof container on the premises.	R5000
120(1)(b)	Failing to maintain and keep permit, certificate for spray-painting room legible at all times.	R5000
121(1)(a)	Failing to construct a concrete floor of a spray-painting room.	R5000
121(1)(b)	Failing to construct a wall of a spray-painting room with bricks and/or concrete.	R5000
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121(1)(d)	Failing to provide a spray-painting room with the required fire door.	R5000
121(1)(e)	Failing to provide a spray-painting room with the required window panels.	R5000
121(5)(a) (i)(ii)(iii)	Failing to comply with the requirements of the doors to be provided for spray-painting room.	R5000
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121(6)(i)(ii)	Failing to ensure that spray-painting room is located separately from other activities.	R5000
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121(11)	Failing to earth all metal parts, electrical fittings and any device connected to spray-painting room.	R5000
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121(20)(b)	Allowing or permitting any person to work in a spray-painting room with mechanical ventilation system off.	R5000
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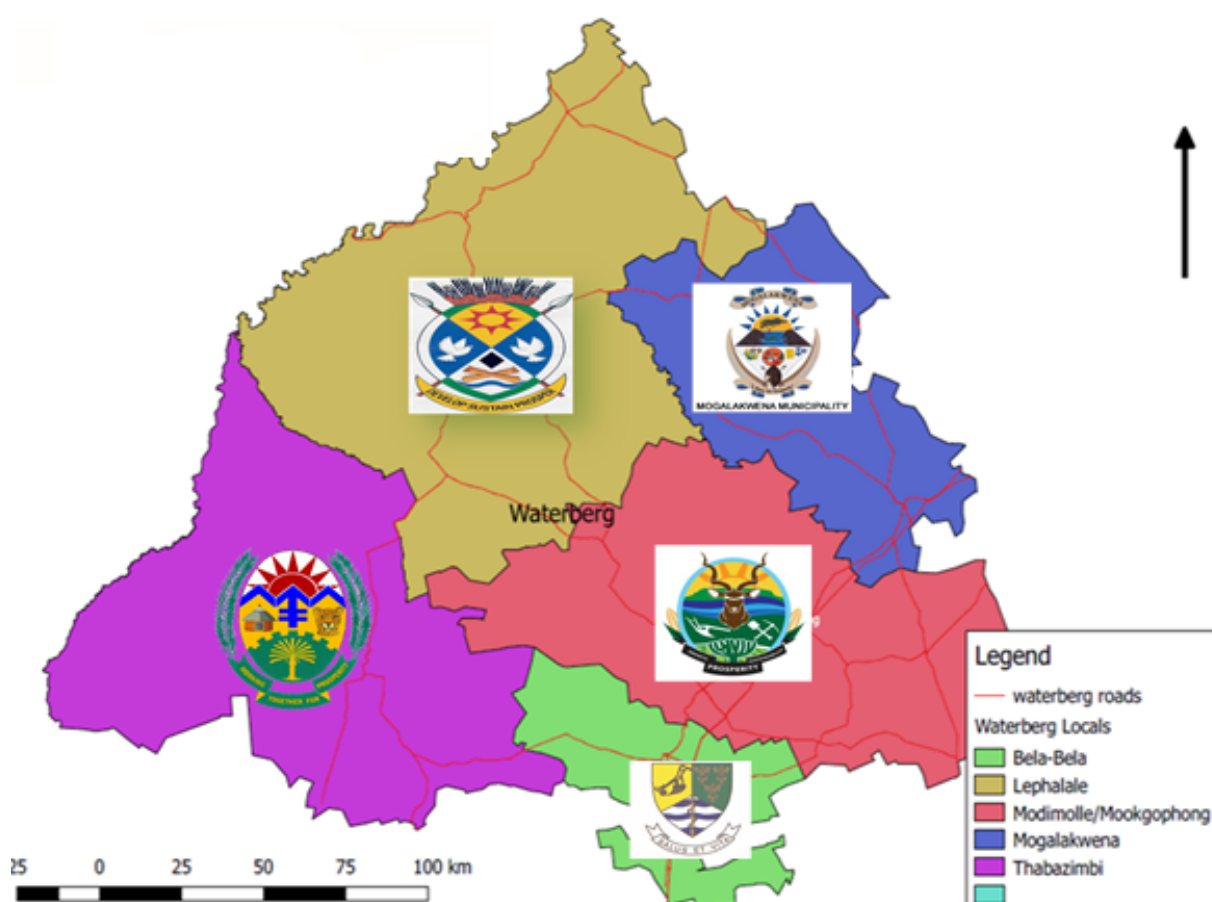
	of any door of a spray-painting room.	
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# WATERBERG DISTRICT MUNICIPALITY

## MUNICIPAL HEALTH SERVICES BY-LAWS



The Municipal Manager of Waterberg District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Municipal Health Services By-Law for Waterberg District Municipality as approved by its Council on 27 September 2023, as set out hereunder.

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## CHAPTER 1

## 1. INTERPRETATION AND FUNDAMENTAL PRINCIPLES

- (1) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, of any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## 2. DEFINITIONS

<b>“Accommodation”</b>	means any place in which accommodation is provided for gain to four or more people, with or without meals.
<b>“Environmental health”</b>	the identification, evaluation, and control of all those factors in the environment (biological, physical and chemical) that have a deleterious effect on the health and well-being of people in the municipal area;
<b>adequate</b>	when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these Bylaws and “adequately” has a corresponding meaning;
<b>approved</b>	when used to describe a particular object, measure, or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing, or recurring;
<b>authorised official</b>	means any official of the Council or a delegated person who has been authorised by the Council to administer, implement, and enforce the provisions of these By-laws;
<b>Cemetery</b>	means a land or part of a land within the municipal area set aside by the Council as a cemetery for the disposal of the dead;
<b>communicable diseases</b>	means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person;
<b>Council</b>	means the Council of the Waterberg District Municipality;
<b>disturbing noise</b>	means a noise level that exceeds the ambient sound level measured continuously at the same measuring point by 7 dBA or more
<b>Dwelling</b>	means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;
<b>EHP</b>	means an official appointed by the Council, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Professions Act, 1974 (Act No. 56 of 1974);
<b>exemption certificate</b>	means a certificate issued in terms of section 11;
<b>Health certificate</b>	means a public health issued by the Council in terms of the section 11;
<b>hot water</b>	means water which has a minimum temperature of 55°C at the point of discharge;
<b>Municipal area</b>	means the area under the jurisdiction of the Council;
<b>Municipal manager</b>	means a person appointed as such by the Council in terms of relevant legal prescript.
<b>NBRBS Act</b>	means National Building Regulations and Building Standards Act;
<b>Municipality</b>	Means Waterberg District Municipality
<b>Offensive trade</b>	means any business or business which involves an activity such as Panel beating or spray painting; operating a waste recycling plant including oil and petroleum product recycling; scrap yard or scrap metal dealing; blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making; (e) charcoal burning, brick burning, lime burning; manure making or storing or compost making; parchment making; manufacturing

	malt or yeast; cement works, coke-ovens or salt glazing works; sintering of sulphurous materials; viscose works; ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals; Work of a knacker. Slaughter of animals. Fish mongering and fish frying. Manufacture of flock and rags; Animal bristle and hair storing and sterilizing. Manufacture of chemicals; Fell-mongering Storage of rags; Wood saw-dust; Iodo form; works for the production of carbon bisulfide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or Sulphur chlorides; works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or the refining or processing of petrol, oil or their products; any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.
<b>Occupier</b>	in relation to any premises, means any person – <ul style="list-style-type: none"> <li>(a) occupying the premises.</li> <li>(b) leasing the premises.</li> <li>(c) who is not occupying the premises but is entitled to do so.</li> <li>(d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c)</li> </ul>
<b>Offensive trader</b>	means any person who owns, conducts, or carries on an offensive trade.
<b>Owner</b>	“, in relation to any premises, means – <ul style="list-style-type: none"> <li>(a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal incapacity, the executor, guardian, or other people who is legally responsible for administering that person's estate;</li> </ul>
<b>Person</b>	means a natural or juristic person, and includes an organ of state;
<b>Pest</b>	means any animal, reptile, insect, or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;
<b>Portable water</b>	means water that complies with the requirements set out in South African National Standards 241: Water for Domestic Supplies;
<b>Premises</b>	means – <ul style="list-style-type: none"> <li>(a) Any land without any buildings or other structures on it.</li> <li>(b) Any building or other structure and the land on which it is situated.</li> <li>(c) Any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building, or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or</li> <li>(d) any land on which a caravan park or camping ground is situated; or</li> <li>(e) any vessel, vehicle or movable structure used for a scheduled use;</li> </ul>
<b>Prescribed fee</b>	means a fee determined by the Council
<b>proclaimed township</b>	means an approved township as contemplated in the local municipal Town Planning Scheme, or a township approved in terms of any prior law relating to townships;
<b>Public health</b>	means methods which aim at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area
<b>Public health hazard</b>	means any actual threat to public health, and without limitation, includes – <ul style="list-style-type: none"> <li>(a) The circumstances referred to in section 5 (3); Sanitary conditions.</li> <li>(b) Circumstances which make it easier for a communicable disease to break out or spread.</li> <li>(c) Circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and</li> <li>(d) Circumstances which allow pests to infest any place where they may affect public health;</li> </ul>
<b>Public health nuisance</b>	means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

<b>Public place</b>	means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.
<b>scheduled use</b>	means a use listed in Schedule 2.
<b>Vector</b>	means any organism, including but not limited to, rats, bats, mice, cockroaches, fleas, flies, mites, mosquitoes and ticks, which is capable of transmitting a pathogen to the people, or capable of causing food to become unclean, unwholesome, spoiled, or unsafe for human.
<b>Vicinity</b>	the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.
<b>domestic consumption</b>	in relation to water, means the use of water for – (a) human consumption. (b) preparing or manufacturing food or drink for human consumption. (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or (d) any other domestic purpose.
<b>effluent</b>	means any wastewater which may be generated because of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.
<b>body piercing</b>	means the piercing of the skin for the purpose of inserting any foreign object. includes, but is not limited to, any one or more of the following services: (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used.
<b>cosmetology or beauty service</b>	(b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes. (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means. (d) facial skin care. (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations. (f) body piercing and tattooing for cosmetic purposes. (g) massaging. (h) body bronzing by means of ultraviolet radiation or any similar method. (i) body contouring including all forms of slimming; or (j) somatology “includes, but is not limited to, any one or more of the following services: (a) Shampooing and cleansing, conditioning and treating hair. (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair; (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners. (d) hair cutting and shaping. (e) barbering services including shaving and singeing of hair; or (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair.
<b>Hairdressing</b>	means any place where any or more of the following services are performed for gain: hairdressing service; cosmetology or beauty service. body piercing and tattooing; or massaging service.
<b>Salon</b>	means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing or tattooing.
<b>salon service</b>	means any business in which used goods and materials are sold, including, without limitation – clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper, or any other material, which has previously been used, and bones or tallow. means a sleeping room in which sleeping accommodation is provided for four or more persons.

<b>second-hand goods business</b>	means the taking of a person by force without his or her consent and, in this case of a minor, without the consent or permission of his or her parent or guardian, and "abduct" or "kidnap" have a corresponding meaning.
<b>"dormitory"</b>	means the surgical removal of the foreskin or clitoris, including any external genitalia, by a traditional surgeon in accordance with section 3 as part of a cultural initiation process, and "circumcise" has a corresponding meaning.
<b>"abduction" or "kidnap"</b>	means the traditional customs of a particular group and includes their habits, norms, mores, ethics and values, and "cultural" has a corresponding meaning.
<b>"circumcision"</b>	means the Environment Health Practitioner appointed by the Municipality.
<b>"culture"</b>	means the Executive Mayor of the Municipality
<b>"Environmenta l Health Practitioner"</b>	means a person in the employment of the Municipality who holds qualifications that entitle him or her to be registered as a medical practitioner, an environmental health practitioner or a nurse and who is appointed to enforce the provisions of these By-laws in accordance with his or her professional practice.
<b>"Executive Mayor"</b>	means any authority which in terms of indigenous law or any other law administers the affairs of any tribe or group of indigenous people or any other person's resident within an area under the control of a traditional leader.
<b>"Health officer"</b>	means the member of the Executive Council of the province of Limpopo who is responsible for health in the province.
<b>"Traditional authority"</b>	means any person appointed as a police officer or peace officer by the South African Police Service or the Municipality
<b>"MEC"</b>	means a person who teaches initiates; and
<b>"Police officer"</b>	means any person who in terms of indigenous law or any other law oversees or exercises control over a traditional authority; and
<b>"teacher"</b>	means a traditional healer or traditional health practitioner who performs circumcisions as part of a cultural initiation process and includes any person who has been trained to perform such circumcisions and meets with the requirements for performing circumcisions.
<b>"Traditional leader"</b>	
<b>"Traditional surgeon"</b>	

### 3. Purpose-

- (1) The purpose of these By-laws is to enable the Council to set minimum environmental health standards to prevent disease, prolong life, and protect and promote the health and well-being of people in the municipal area by -
  - (a) Providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can -
    - (i) manage and regulate activities that have the potential to impact adversely on public health; and
    - (ii) Require premises to be properly maintained and managed.
  - (b) Defining the rights and obligations of the Council and the public in relation to this purpose.

## CHAPTER 2

### ENVIRONMENTAL HEALTH PRINCIPLES

#### Part 1: Environmental health principles

### 4. Principles

- 1) Everyone:
  - (a) has a constitutional right to an environment that is not harmful to his or her health or well-being.
  - (b) has a right to have access to safe water, and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
  - (c) has a duty, at all times, to eliminate the risk of an environmental health hazard occurring, continuing or recurring by reducing it to a level acceptable to the Council.

- (d) who owns or occupies premises in the municipal area must ensure that they are used for and maintained in a manner that ensures that no environmental health hazard or health nuisance occurs on the premises.
- (e) who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –
  - (i) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and shall bear the costs of taking those measures and of any reasonable costs incurred by the Council in the event that it ensures that the risk is eliminated or reduced to an acceptable level.
- 2) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –
  - (i) avoids creating an environmental health hazard or an environmental health nuisance.
  - (ii) does not make it easier for any human or animal disease to spread; does not give rise to unsanitary or unhygienic conditions.
  - (iii) prevents unsafe food or drink from being eaten or drunk; avoids creating conditions favourable for infestation by pests; or
  - (iv) wherever reasonably possible, improves public health in the municipal area.
- 3) In dealing with matters affecting public health the Council must –
  - (i) adopt a cautious and risk-averse approach.
  - (ii) prioritise the collective interests of the people, group or sector of society of the municipal area.
  - (iii) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner.
  - (iv) adopt a long-term perspective that takes into account the interests of future generations.
  - (v) take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

#### 5. Application of principles:

- 1) The environmental health principles set out in section 4 must be considered and applied by any person –
  - a) exercising a power or function or performing a duty under these By-laws.
  - b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipal area; or
  - c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

### Part 2: Environmental health hazard and environmental health nuisance:

#### 6. An environmental health hazard.

- 1) Environmental health hazard exists or occurs if any of the following occurs on land or premises:
  - a) A water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be offensive or to be injurious or dangerous to health.
  - b) An accumulation of waste or other matter which is offensive or injurious or dangerous to health occurs.
  - c) a building, structure, enclosure or runway is–
    - (i) so constructed, situated, used or kept as to be offensive or injurious or dangerous to health.
    - (ii) not kept in a clean state and free from offensive smells or effluvia rising from whatever source therefrom.
    - (iii) kept or health certificated to remain in an unsanitary state as to be offensive or injurious or dangerous to health; or
    - (iv) infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin.
  - (d) conditions exist that are conducive and contribute to the spread of a contagious and communicable disease.
  - (e) organic matter is being used or kept in a manner that attracts vector, vermin, or pests such as, but not limited to rats, mice, flies and mosquitoes.
  - (f) unsanitary conditions occur in any part of the land or premises.
  - (g) any water supply for domestic consumption is unsafe for human consumption.
  - (h) a building, structure, enclosure or runway is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
  - (i) a building or structure is demolished without first eradicating all vermin.



- (j) a dwelling is occupied for which no proper and sufficient supply of pure water is available within 200 meters.
  - (k) a dwelling is occupied for which no proper toilet facilities are available.
  - (l) a dwelling is occupied which is not properly ventilated.
- 2) In addition to the instances stipulated in subsection (1), an environmental health hazard exists or occurs if any factory or industrial or business premises –
- (a) is not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated.
  - (b) is so overcrowded, badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or
  - (c) cause or give rise to smells or effluvia which are injurious or dangerous to health.
- 3) An environmental health nuisance, whether or not occurring or arising from an environmental health hazard, exists if –
- (a) a building, structure, enclosure or runway on land or premises is aesthetically offensive.
  - (b) an obnoxious smell, pests, vermin, vector, dust, ash, grit, soot, smoke or noise from whatever source emanates from land or premises.
  - (c) any part of land or premises is kept, or health certificated to remain in such a state as to be offensive; or
  - (d) any other activity, or condition declared to be an environmental nuisance under any law exists or occurs on or emanates from land or premises.
- 7. Prohibition on creation, existence or occurrence of environmental health hazards or environmental health nuisance:**
- 1) No person may, in any area under the jurisdiction of the municipality –
- (a) create an environmental health hazard or an environmental health nuisance.
  - (b) perform any act which may cause an environmental health hazard or an environmental health nuisance.
  - (c) organise, allow or health certificate an activity, event or function in or on land or premises, or use, cause, allow or health certificate to be used on land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create an environmental health hazard or an environmental health nuisance.
  - (d) unless he or she is authorised, or health certificated by law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality –
    - (i) In a public place activate, handle or use any material, object or thing which is likely to cause an environmental health hazard or an environmental health nuisance.
    - (ii) introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates an environmental health hazard or an environmental health nuisance.
  - (e) defecate or urinate in a public place except in a facility which is provided by or on behalf of the municipality for its purpose.
  - (f) spit in a public place.
  - (g) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person.
  - (h) carry on any premises in the municipal area any trade, business, profession or hobby which is a source or become a source of discomfort or annoyance to other people.
  - (i) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
  - (j) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
  - (k) use or cause or health certificate to be used a stoep or veranda of a shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
  - (l) use or cause or health certificate any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
  - (m) be foul, misuse or damage a toilet provided in a public building or public place.

- (n) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
  - (o) carry, convey, or cause or health certificate to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any environmental health hazard or environmental health nuisance;
  - (p) accumulate, dump, store or deposit any waste material in any street, public place or built-up or vacant premises or land.
  - (q) by an action directly or indirectly or by negligence allow that [a] an environmental health hazard or environmental health nuisance be created or continued.
  - (r) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose.
  - (s) cleanse or wash any vehicle or part in any street or public place.
  - (t) use any chemical in such a way that it could cause injury, ill-health or death to human beings.
  - (u) dispose of any chemical in such a way as to have a detrimental effect on the environment.
- 2) A person who contravenes a provision of subsection (1) commits an offence.

**8. Duty to eliminate or reduce environmental health hazards or environmental health nuisance:**

- 1) (a) The owner, occupier or user of land or premises must –
- (i) ensure that an environmental health hazard or an environmental health nuisance does not exist or occur on his or her land or premises; and
  - (ii) within 24 hours of becoming aware of the existence of an environmental health hazard or environmental health nuisance on the land or premises, eliminate the environmental health hazard or environmental health nuisance, or if he or she is unable to eliminate the environmental health hazard or environmental health nuisance –
    - (aa) take steps to reduce the risk to environmental health; and
    - (bb) report the existence of the environmental health hazard or environmental health nuisance to the environmental health practitioner.
- (b) For the purposes of subsection (1)(a), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of –
- (i) flies, use flytraps; or any other appliance that will reduce or eliminate flies
  - (ii) mosquitoes –
    - (aa) drain accumulated water at least once every seven days.
    - (bb) cover accumulated water with oil.
    - (cc) in the case of wells, provide a mosquito-proof cover and a pump.
    - (dd) fit tanks, barrels and similar containers in which mosquitoes may breed with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
    - (ee) regularly clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and
  - (i) vermin, use mouse traps or vermin poison.
- 2) (a) The owner, occupier or user of land or premises –
- (i) must adequately protect a well, hole, pit, reservoir, pond or excavation thereon containing or capable of containing at any point water to a depth of more than 300 mm so as to prevent access thereto by a child under the age of 4 years.
  - (ii) must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create an environmental health hazard or an environmental health nuisance; and
  - (iii) May not allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated.
- (a) For the purpose of subsection (2)(a)(i), “adequately protect” means to provide a fence or wall or covering, which wall or fence may be not less than 1,25 metres in height and must be so situated and constructed as to be impenetrable to a child under the age of 4 years, and a gate to such enclosure must be fitted with a self-closing device and a latch inaccessible to such a child from the outside, and which covering must be so secured and constructed as to be impenetrable to a child under the age of 4 years.
- (b) Despite the provisions of paragraph (b), the municipality may health certificate for the use of other effective means of protection.
- (c) Should any hole, well, pit, excavation, pond, or reservoir contemplated in subsection (2), be served unprotected or inadequately protected, the municipality may serve a notice of

compliance on the owner, occupier or user requiring him or her adequately to protect or fill in such hole, well, pit, excavation, pond or reservoir within a period specified in the notice not being less than 14 days.

- 3) The occupier of premises which is a factory in or on which an activity is carried on any business, occupation, or trade, must at all times –
  - (i) while any activity is being carried on the premises.
  - (ii) while the premises are open for business.
  - (iii) while the occupation or trade is being carried on; or
  - (iv) during business hours, whichever is applicable, keep any sidewalk or verge which abuts or adjoins the premises, including the gutter and kerb, free of litter and keep the same in a clean and satisfactory state and to this end remove all litter there from.
- (b) The occupier must ensure that all litter is removed and placed in refuse receptacles provided by or on behalf of the municipality to be disposed of in a municipal landfill site.
- 4) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) or (2)(a) or (b) or the occupier who contravenes a provision of subsection (3) commits an offence.

#### **9. Duty to report environmental health hazards:**

- 1) Any person, who knows of an environmental health hazard on any premises, must within 24 hours of becoming aware of its existence –
  - (a) eliminate the environmental health hazard; or
  - (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the environmental health hazard to the Municipal health service Waterberg District Municipality

### **CHAPTER 3 POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT**

#### **Part 1: Potentially hazardous uses**

#### **10. Duty to list potentially hazardous uses-**

If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

#### **11. Scheduled uses-**

- 1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- 2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a health certificate in terms of section 12 before commencing that use and must comply with the terms and conditions of that health certificate.

#### **12. Exemption certificates-**

- 1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, must apply to the Council in accordance with section 14 for an exemption certificate.
- 2) The Environmental Health section may grant an exemption certificate, subject to such conditions as it may impose if an environmental health practitioner is satisfied that –
  - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
  - (b) the scheduled use in respect of which the exemption is required is not likely to cause a public health hazard or a public health nuisance.

#### **13. Health certificates-**

- 1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Environmental Health section in accordance with section 14 for a health certificate.
- 2) The Council may issue a health certificate to the owner or occupier of any premises if an environmental health practitioner is satisfied that the use for which the health certificate is required is not likely to cause a public health hazard or a public health nuisance.

- 3) A public health certificate –
  - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council.
  - (b) may exempt the health certificate holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the health certificate requires the health certificate holder to take measures to avoid or reduce the risk to public health arising from the activity that is equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
  - (c) may approve any activity authorized by the health certificate approved in terms of these By-laws.

#### **14. Approval of measures, objects and materials-**

- 1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement and /or public interest, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
  - (a) An object, material or measure referred to in subsection (1) may be approved by the Council in –
    - (i) a health certificate; or
    - (ii) guidelines prescribed by the Council in terms of subsection (3).
  - (b) The Council may publish guidelines in the Provincial Gazette which describe:
  - (c) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
  - (d) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

#### **15. Application procedure-**

- 1) Any person who wants to obtain an exemption certificate or a health certificate must apply to the Council's Environmental Health section in writing in a form attached as Annexure 1, prior to undertaking the scheduled use concerned.
- 2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.
- 3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
  - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are to be/ or used for the scheduled use concerned, have been consulted and have had an opportunity to make representations; and
  - (b) may require the applicant to provide any further information that the Council considers relevant to enable it to make an informed decision.
- 4) In deciding whether or not to issue an exemption certificate or a health certificate, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in Part 1 Chapter 2.

#### **16. General terms applicable to certificates and permits-**

- 1) An exemption certificate or a health certificate–
  - (a) is not transferable from one person to another; and
  - (b) applies only to the premises specified in that certificate or health certificate.
- 2) Every exemption certificate or health certificate must–
  - (a) specify the address and other relevant details regarding the location of the premises concerned.
  - (b) describe the premises concerned.
  - (c) describe the activity concerned.
  - (d) specify terms and conditions imposed, if any.
  - (e) indicate the expiry date; and
  - (f) any other term or condition that the Council may deem fit.
- 3) An applicant must pay a prescribed fee, if so, determined by the Council, in respect of an application for a health certificate or exemption certificate and such fee must accompany the application.
- 4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.

#### **17. Suspension, cancellation and amendment of exemption certificates and health certificates-**

- 1) Council may by written notice to the holder of an exemption certificate or health certificate, suspend, amend or cancel that certificate or health certificate, after having informed such holder of the reasons for such an exemption certificate and health certificate being cancelled or suspended.

- 2) Council may suspend or cancel an exemption certificate or health certificate with immediate effect if –
  - (a) the Council reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
  - (b) the holder of such certificate or health certificate fails to comply with a compliance notice, in which is stated that such certificate or health certificate may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- 3) The Council may suspend or cancel an exemption certificate or health certificate after having given the holder thereof a reasonable opportunity to make representations as to why the health certificate or exemption certificate should not be suspended or cancelled if –
  - (a) The Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard a public health nuisance; or
  - (b) the holder of such certificate or health certificate contravenes or fails to comply with any relevant provision of these By-laws.
- 4) The Council may amend an exemption certificate or health certificate by endorsing such certificate or health certificate or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to consider changed circumstances since the exemption certificate or health certificate concerned was issued.

## **Part 2: Enforcement, remedial work and costs**

### **18. Demolition orders-**

- 1) If the Council believes that public health or a safety hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other relevant law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- 2) The Council may not apply to the court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

### **19. Right of entry and remedial work-**

- 1) The Council may, subject to the provisions of any other law, enter any premises and do anything, excluding demolition of buildings and structures, on the premises that it reasonably considers necessary –
  - (a) to ensure compliance with these By-laws.
  - (b) to reduce, remove or minimise any significant public health hazard; or
  - (c) to reduce, remove or minimise any public health nuisance.

### **20. Cost orders-**

- 1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –
  - (a) a person on whom a compliance notice referred to in section 18(a) that required those steps to be taken, was served.
  - (b) the owner or occupier of the premises concerned; or
  - (c) any person responsible for creating a public health hazard or a public health nuisance.
- 2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

## **CHAPTER 4 FOOD CONTROL**

### **21. Food and Safety Control**

- 1) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulations, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act No. 54 of 1972), as amended:
  - (a) **Certificate of acceptability:**  
No person shall handle food or permit food to be handled on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force according to Regulation 638 of 22 June 2018.

**(b) Food quality requirements:**

- (i) No person shall provide food for sale for human consumption that is not safe, wholesome and fit for human consumption and conforms to safety, nutrition and quality requirements.
- (ii) All food intended for human consumption must comply with the standards as stipulated in the Foodstuffs, Cosmetic and Disinfectants Act, 1972 (Act No.54 of 1972).

**(c) Transportation of food:**

No person shall transport food in any part of a vehicle.

- (a) Unless that part of a vehicle is clean and has been cleaned to such an extent that chemical contamination of the food is prevented together with
  - (i) contaminated food or waste food,
  - (ii) poison or any harmful substance.
  - (iii) a live animal; or
  - (iv) Any object that may contaminate or spoil the food.

**(d) Labelling of foodstuffs:**

All food intended for human consumption must be honestly and accurately labelled in accordance with regulation no R146.

**22. Meat and animal product safety:**

- 1) Environmental health practitioners must ensure that hygiene control and all meat inspections at a municipal abattoir are executed.
- 2) Any person, who keeps an animal prior to slaughtering it for any religious or ceremonial purposes, must comply with the provisions of this Chapter applicable to the animal concerned.
- 3) A person intending to slaughter an animal in any place other than in a recognised abattoir must -
  - (a) notify the municipal health service.
  - (b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public.
  - (c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast.
  - (d) handle the meat in a hygienic manner at all times.
  - (e) dispose of any portions of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
  - (f) not keep such animals prior to slaughtering for a period in excess of 24 hours.

## **CHAPTER 5 SANITARY SERVICES**

**23. Compulsory connection to municipal sewerage system-**

Every owner of premises to which a municipal sewage service is available must ensure that all wastewater drainage pipes from any bath, wash-hand basin, toilet, shower, kitchen sink, washing machines and dishwashers are connected to the municipal sewer in a manner approved by the municipality.

**24. Prohibition against obstruction of sanitary services-**

- 1) No person may prevent, obstruct, or interfere with any sanitary service provided by the Council.
  - i. **Requirements in respect of toilet facilities-**

Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act or any other applicable legislation.
  - ii. **Toilets for workers-**
    - i. Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
    - ii. No temporary toilet may be erected or placed on any pavement or other public place without the written approval of the Council.

**25. Prohibition against the use of a bucket toilet under the same roof as a dwelling-**

- 1) No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.
  - (a) **Condition of toilets, urinals, backyards and refuse areas-**
    - i. Every owner or occupier of any premises must keep every backyard refuse area, toilet, and urinal in a sanitary condition and good state of repair, in the opinion of the Council.



**(b) Separate storage of urine-**

- 2) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.
- 3) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

**26. Provision of tank for waste liquids in areas without sewers-**

- 1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other wastewater produced on the premises during a period of 48 hours.
- 2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –
  - (a) an overhead tank placed in a way that its contents can be gravity fed into the Council's or other approved waste removal vehicles; or
  - (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- 3) The provisions of subsection (2) do not apply if –
  - (a) adequate arrangements have been made for dispersing wastewater produced on the premises, other than urine, over land associated with the premises concerned; and
  - (b) the wastewater is dispersed in a way that will not create a public health nuisance.

**27. Pumping of contents of underground tank to surface tank-**

Any occupier of premises on which both underground and overhead tanks are provided for the storage of wastewater, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

**28. Blocked or defective outlet pipes-**

Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair.

**29. Prohibition against urine in slop tanks-**

No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

## **CHAPTER 6 PRIVATE SEWERAGE WORKS**

**30. Maintenance of sewerage works-**

Any person operating sewerage works must ensure that it is always maintained in a sanitary condition and good state of repair.

**31. Disposal of sewerage, sewerage effluent and wastewater without causing a public health nuisance and/or hazard-**

- (a) No person may dispose of sewerage or wastewater from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machine, dishwasher and refuse receptacles in a way or in a location that may-
- (b) cause dampness in or on any premises.
- (c) endanger the quality of any water supply, surface water, stream or river; or
- (d) create a public health nuisance and/or hazard.

## **CHAPTER 7 WATER SAFETY**

**32. Pollution of sources of water supply-**

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

**33. Dangerous wells, boreholes and excavations-**

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

**34. Provision of adequate water supply-**

Every owner of premises must always provide every resident on the premises with an adequate and readily available safe portable water supply.

## **CHAPTER 8 OFFENSIVE TRADES**

**35. Health certificate requirement-**

No person may conduct an offensive trade in or on any premises, except in terms of a valid health certificate issued.

**36. Requirements for premises-**

- 1) No person may conduct an offensive trade-in or on any premises unless -
  - (a) the floors of the premises are constructed of cement concrete or similar impervious material, rough to a smooth finish.
  - (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system.
  - (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint.
  - (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish.
  - (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act.
  - (f) an adequate supply of running safe portable water is provided.
  - (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and wastewater from the premises.
  - (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises.
  - (i) Adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process, and which may –
    - i. discharge offensive or injurious effluent or liquid; or
    - ii. decompose in the course of the work or trade.
  - (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material.
  - (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act.
  - (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 meters, is constructed around the premises.
  - (m) all gates to the premises are of solid construction with a minimum height of 2 metres.
  - (n) all perimeter walls and gates adequately screen activities on the premises from public view; and
  - (o) all materials are stacked or stored on the premises below the height of the perimeter screening.
  - (p) adequate separate change-rooms for male and female employees must be provided containing–
    - i. an adequate metal locker for every employee; a wash-hand basin provided with a supply of running hot and cold portable water; and
    - ii. an adequate supply of soap and disposable towels at every wash-hand basin.
  - (q) if no change-room has been provided in terms of paragraph (p) –
    - i. a wash hand basin with a supply of running hot and cold portable water, must be provided in an accessible position; and
    - ii. an adequate metal locker must be provided for every employee in the work area.

**37. Duties of offensive traders-**

- 1) Every offensive trader must -
  - (a) maintain the premises in a clean, hygienic and good condition at all times.
  - (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or wastewater.

- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times.
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials.
- (e) prevent the emission of noxious, injurious, or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.
- (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof; and
- (g) provide for approved personal protective clothing for the safety of his or her employees.

### **38. Liquid refuse from bone and tripe boiling-**

- 1) Every bone boiler and every tripe boiler must adequately cool all wastewater before it is discharged into any sewer or other receptacle.
- 2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

### **39. Liquids, tanks and tubs in leather making-**

- 1) Every fellmonger, leather dresser or tanner must -
  - (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner.
  - (b) clean the entire tank or other receptacle every time it is emptied.
  - (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

### **40. Storage of rags, bones and waste-**

- 1) No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -
  - (a) inhabited by people; or
  - (b) not adequately ventilated.

## **CHAPTER 9**

### **HAIRDRESSING, BEAUTY, AND COSMETOLOGY SERVICES**

#### **41. Health certificate requirement-**

- 1) No person may operate a salon except in terms of a valid health certificate issued.

#### **42. Requirements for premises-**

- 1) No person may operate a salon on any premises which do not comply with the following requirements:
  - (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings
  - (b) Standards Act, must be provided.
  - (c) all shelves, fixtures and tabletops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean.
  - (d) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act.
  - (e) adequate, separate facilities, with a supply of running safe portable water, must be available for the washing of hair and hands.
  - (f) an approved system for the disposal of wastewater must be provided.
  - (g) adequate storage facilities must be provided.
  - (h) the walls and floors must be constructed of a material that is easy to clean and which prevents 8/5cut hair from being dispersed.
  - (i) The premises may not be used for the storage and preparation of food or sleeping unless any area for that purpose is clearly demarcated /separated by an impervious wall,
  - (j) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
    - (r) an adequate metal locker for every employee.
  - (s) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (t) an adequate supply of soap and disposable towels at every wash-hand basin; and
  - (k) if no change-room has been provided in terms of paragraph (i) -
    - (l) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (m) an adequate metal locker must be provided for every employee in the work area.

**43. Duties of salon operators-**

- 1) Any person operating a salon must:
  - (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times.
  - (b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin.
  - (c) provide employees on the premises with approved personal protective clothing and equipment.
  - (d) collect all hair clippings and other waste in an approved container after every service.
  - (e) store or dispose of waste in an approved manner.
  - (f) adequately train any person working on the premises on health and hygiene matters.
  - (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person.
  - (h) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition takes the necessary precautions; and
  - (i) Ensure that every person working in the salon complies with the requirements of this section.

**44. Required minimum health standards for the operation of a salon-**

- 1) Any person operating or employed in, a salon must take the following measures:
  - (a) adequately disinfect all instruments after each use.
  - (b) adequately sterilise the following instruments after each use.
    - (i) any instrument used for body piercing or tattooing.
    - (ii) any instrument which has come in contact with blood or any other body fluid.
  - (c) wash and clean all plastic and cloth towels after each use.
  - (d) dispose of all disposable gloves or other disposable material after each use.
  - (e) wash all aprons and caps daily.
  - (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client.
  - (g) wear approved disposable personal protective clothing when providing one of the following salon services: any chemical service; any hair implant; body piercing; and tattooing.
  - (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent.
  - (i) dispose of all wastewaters
  - (j) register as a Health Care Risk Waste generator and obtain the removal service of a registered Health Care Risk Waste transporter.
  - (k) adequately treat any injury or wound which may occur on the premises.
  - (l) clean and disinfect all surfaces that have been contaminated by blood after each service.
  - (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);
  - (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

**45. Prohibition against the use of salon premises for other purposes-**

- 1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- 2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

## CHAPTER 10 SECOND-HAND GOODS

**46. Requirements for premises-**

- 1) No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:
  - (a) any section of the premises where second-hand goods are stored and handled must be enclosed/ demarcated by walls constructed of brick, rock or concrete, with a minimum height of two metres (2m);
  - (b) all gates to the premises must be of solid construction with a minimum height of two metres.
  - (c) all materials must be stacked or stored below the height of the perimeter screening.
  - (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided.
  - (e) all storage areas must be paved with cement, concrete or other approved impervious material. all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation.
  - (f) adequate sanitary facility and fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act.
  - (g) an adequate number of refuse containers must be provided.

- (h) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
- (i) an adequate metal locker for every employee.
- (j) a wash-hand basin provided with a supply of running hot and cold portable water; and
- (k) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (l) if no change-room has been provided in terms of paragraph (i) –
- (m) a wash hand basin with a supply of running hot and cold portable water, must be provided in an accessible position; and
- (n) an adequate metal locker must be provided for every employee in the work area.

#### **47. Duties of second-hand goods traders-**

- 1) Any person who conducts a second-hand goods business must -
  - (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the infestation of rodents or other vermin and pests.
  - (b) ensure that no water accumulates in any article stored on the premises.
  - (c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
  - (d) keep the premises in a clean, neat and sanitary condition at all times.
  - (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner.
  - (f) keep any other articles separate from articles which have been disinfected.
  - (g) label all articles which have been disinfected in a conspicuous place on each article; and
  - (h) provide personal protective clothing for personnel employed in his or her premises.

### **CHAPTER 11 ACCOMMODATION ESTABLISHMENTS**

#### **48. Health certificate requirement-**

- 1) No person may operate an accommodation establishment except in terms of a valid health certificate issued.

#### **49. Requirements for premises of accommodation establishments-**

- 1) No person may operate an accommodation establishment on premises which do not comply with the following requirements:
  - (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-
    - (i) less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person over the age of ten (10) years; and
    - (ii) less than 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person under the age of ten (10) years.
  - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation.
  - (c) if a dormitory is provided on the premises –
    - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory.
    - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions.
    - (iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed.
    - (iv) an accommodation establishment must be provided with –
    - (v) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment.
    - (vi) adequate separate wash-up facilities; and
    - (vii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes; (Such establishment to comply with the provisions of R962 and the National Building Regulations and Building Standards Act.
    - (viii) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.

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- (ix) a bath fitted with a waste pipe may be substituted for each shower referred to in subpar. (i).
- (x) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes.
- (d) He an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes.
- (e) an accommodation establishment must be provided with an adequate supply of hot and cold running portable water.
- (f) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act.
- (g) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.
- (h) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
  - (i) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
  - (ii) a storeroom for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
  - (iii) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish.
  - (iv) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete, or some other durable, impervious material brought to a smooth finish; and
  - (v) the floor surface of every habitable room must be constructed of an approved material.
  - (vi) the following facilities must be provided for people who are employed and also reside on the premises:
    - (vii) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
    - (viii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (i) Adequate changing facilities must be provided for non-resident employees.
- (j) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f) must be provided for resident and non-resident employees.
- (l) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained.
- (m) all walls, floors and roofs must be constructed in a manner which prevents wind or rain from entering an accommodation establishment or dampness from entering the interior surfaces of any wall or floor.
- (n) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain from entering the premises; and
- (o) All windows must be constructed in a manner that prevents rain from entering the accommodation establishment when the windows are closed.
- (p) Must comply with the Tobacco Control Regulations.

#### **50. Duties of operators of accommodation establishments-**

- 1) Every person who conducts an accommodation establishment must –
  - a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times.
  - b) clean and wash any bed linen, towel, bathmat or face cloth after each use by a different person.
  - c) take adequate measures to eradicate pests on the premises.
  - d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females.
  - e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower.
  - f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(i).

- g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(j).
- h) Keep all sanitary, ablution and water supply fittings in a good working order.
- i) Keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at intervals to ensure that the area painted, remain clean and in a good state of repair.
- j) Handle refuse in the manner provided in section 62(n); and
- k) Must ensure compliance with relevant Health Regulations promulgated under the Health Act (No 63 of 2003) and the Foodstuffs, Cosmetics and Disinfectants Act (No 54 of 1972) if food is provided to the occupants.

## CHAPTER 12

### SWIMMING POOLS AND SPA-BATHS

<b>“spa-bath”</b>	means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;
<b>“Spa-bath keeper”</b>	means any person who owns or controls the operation of a spa-bath;
<b>“Swimming pool”</b>	means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes.
<b>“Swimming pool keeper”</b>	means any person who owns or controls the operation of a swimming pool.

#### 51. Health certificate requirement-

No person may operate swimming pools and spa-baths except in terms of a valid health certificate issued.

#### 52. Requirements for premises-

- 1) No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:
  - (a) readily accessible change rooms, showers and toilet facilities must be provided separate for each sex(male/female)
  - (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the NBRBS Act
  - (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material.
  - (d) an approved chemical gas mask must be provided at the chlorinator installation.
  - (e) if so instructed in writing by or authorized person, an oxygen or air breathing apparatus must be provided; and
  - (f) an adequate number of refuse receptacles must be provided on the premises.

#### 53. Duties of spa-bath keepers-

- 1) Every spa-bath keeper must –
  - (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times.
  - (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position.
  - (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times.
  - (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water.
  - (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
  - (f) maintain a daily record of the spa-bath water quality.

#### 54. Duties of swimming pool keepers-

- 1) Every swimming pool keeper must –
  - (a) keep the premises in a safe, clean and sanitary condition at all times.
  - (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position.
  - (c) be qualified and proficient in lifesaving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water.
  - (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times.
  - (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water.

- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the test results; and
- (g) maintain a daily record of the swimming pool water quality.

**55. Water supply-**

- 1) Unless the prior written approval of Council or authorised personnel has been obtained, no person operating a spa-bath or swimming pool may use water from an approved water source to clean, fill or maintain the water level in a swimming pool or spa-bath.
- 2) Council or authorized person must –
  - (a) take samples of a swimming pool or spa-bath water, at intervals which it or he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
  - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

**56. Safety of water-**

- 1) Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:
  - (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
  - (b) the pH value of the water must be not less than 7.2 and not greater than 8;
  - (c) where chlorine-based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
  - (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
  - (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
  - (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

**57. Order and behaviour-**

- 1) No person may –
  - (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties.
  - (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person.
  - (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

### CHAPTER 13 KEEPING OF ANIMALS

<b>“Agricultural holding”</b>	means the same as defined in the applicable local municipal Town Planning Scheme.
<b>“animal”</b>	means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal.
<b>“aviary”</b>	means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage.
<b>“Battery system”</b>	means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure.
<b>“cattery”</b>	means premises in or upon which – <ol style="list-style-type: none"> <li>(a) boarding facilities for cats are provided; or</li> <li>(b) cats are bred for commercial purposes.</li> </ol>
<b>“enclosure”</b>	in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises.
<b>“keeper” means –</b>	<ol style="list-style-type: none"> <li>(c) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal.</li> <li>(d) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept.</li> </ol>
<b>“kennels” means premises in or upon which –</b>	<ol style="list-style-type: none"> <li>(a) boarding facilities for dogs are provided.</li> <li>(b) dogs are bred for commercial purposes.</li> </ol>

	(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
	(d) dogs are kept for commercial security purposes.
<b>“livestock”</b>	means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry.
<b>“pet”</b>	means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement.
<b>“Pet parlour”</b>	means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth.
<b>“Pet shop”</b>	means the premises on which the business of keeping and selling of pets is carried out.
<b>“poultry”</b>	means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea fowls.
<b>“Poultry house”</b>	means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated.
<b>“Poultry run”</b>	means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;
<b>“Proclaimed township”</b>	means an approved township as contemplated in the local municipal Town Planning Scheme; Planning Scheme, or a township approved in terms of any prior law relating to townships.
<b>“Rabbit hutch”</b>	means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated.
<b>“Rabbit run”</b>	means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch.
<b>“stable”</b>	means any building or structure used to accommodate livestock other than poultry.
<b>“Wild animal”</b>	means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

### **Part 1: General provisions relating to the keeping of animals.**

#### **58. Application -**

- 1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to –
  - (a) any agricultural show where animals are kept on a temporary basis; and
  - (b) any laboratory where animals are kept for research purposes.
- 2) The provisions of these By-laws apply to the keeping of animals at any agricultural show and at research laboratories.
- 3) No person may, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided that not more than three (3) pets be kept on the premises and the keeping of such pet does not create or constitute a nuisance.
- 4) The premises should operate under the permit issued in compliance with the relevant bylaws of a specific local authority.
- 5) If at any time it appears to an authorized official that the keeping of animals on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may –
  - (a) refer the matter to the relevant local authority for revocation of the permit; or
  - (b) prohibit the keeping of such animals, provided the municipality has given the holder of such permit and the occupier of the premises not less than 14 days' notice in writing of its intention to cancel the permit or prohibit the keeping of such animals has considered any representations made within that period.
- 6) Council/municipality must serve a notice on the permit holder, or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- 7) Council must as soon as a permit has been cancelled, notify the health certificate holder of that fact in writing.
- 8) Council may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

### **Part 2: Keeping of cattle, horses, mules and donkeys**

#### **59. Requirements for premises-**

- 1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements.

- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material.
- (b) the internal wall surfaces of the stable must be constructed of smooth brick or another durable surface brought to a smooth finish;
- (c) the height of the walls to the wall plates of the stable must –
  - (i) if the roof is a pitched roof be 2,4 metres.
  - (ii) if the roof is a flat roof be 2,7 metres.
  - (iii) if the roof is a lean-to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side.
  - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres.
- (d) the stable must have a floor area of at least 9 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it.
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m<sup>2</sup> for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides.
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level.
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 98.
- (h) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out.
- (i) no enclosure or stable may be situated within –
  - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation: or
  - (ii) 50 metres of any water resource or water supply intended or used for human consumption.
  - (iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

#### **60. Duties of keeper of cattle, horses, mules, and donkeys-**

- 1) Any person who keeps any cattle, horse, mule, or donkey must –
  - (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair.
  - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids.
  - (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure.
  - (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
    - (i) the manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
    - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 127mm in diameter and is kept filled with water.
  - (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises.
  - (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance.
  - (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises.
  - (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility.
  - (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
  - (j) take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

### **Part 3: Keeping of goats and sheep**

#### **61. Application-**



- 1) The provisions of section 77 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

#### **62. Requirements for premises-**

- 1) No person may keep goats or sheep in –
  - (a) an enclosure which does not comply with the following requirements:
    - (i) the minimum overall floor area must be 30 m<sup>2</sup>; and
    - (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it; or
  - (b) a stable which does not comply with the following requirements:
    - (i) every wall must be constructed of brick, stone, concrete or other durable material.
    - (ii) every wall must be at least 2 metres in height and have a smooth internal finish.
    - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 98.
    - (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m<sup>2</sup>; and
    - (v) lighting and ventilation openings totalling at least 0,15 m<sup>2</sup> per goat or sheep must be provided.
- 2) No person may keep goats or sheep in an enclosure or stable within –
  - (a) 15 metres of any boundary of any land, dwelling, building, or other structure used for human habitation: or
  - (b) 50 metres of any water resource or water supply intended or used for human consumption.
- 3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

#### **63. Duties of keeper of goats and sheep-**

- 1) Any person who keeps goats or sheep must –
  - (a) maintains the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair.
  - (b) provides portable manure storage receptacles of an impervious material and with close fitting lids.
  - (c) keeps every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned.
  - (d) removes all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles.
  - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
  - (f) stores all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
  - (g) takes adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

### **Part 4: Keeping of poultry**

#### **64. Application-**

The provisions of sections 81(d), (f), (g) and 82(e), do not apply to any person keeping ten or less poultry.

#### **65. Permit requirement-**

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a health certificate authorising that activity.

#### **66. Requirements for premises-**

- 1) No person may keep poultry in premises which do not comply with the following requirements:
  - (a) In relation to a poultry house –
    - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface.
    - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish.
    - (iii) the upper floor of a two or more-story structure must be constructed of an impervious and easily cleanable material.
  - (iv) the minimum floor area must be –
    - (aa) 0,20 m<sup>2</sup> for each grown fowl, duck, muscovite duck or guinea fowl.
    - (bb) 0,5 m<sup>2</sup> for each grown goose, turkey, or peacock; and
    - (cc) 0,14 m<sup>2</sup> for each grown pigeon; and
  - (v) the minimum aggregate floor area must be 4 m<sup>2</sup>.

- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material.
- (c) in relation to a building or structure housing a battery system –
  - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface.
  - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure.
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 98.
  - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges.
  - (v) the cages of the battery system must be made of an impervious material; and
  - (vi) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure.
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system.
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
  - (i) any dwelling or other building or structure used for human habitation; and
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land
- (f) feed must be stored in an adequate rodent-proof storeroom.
- (g) adequate washing facilities must be provided for the cleaning of the cages.
- (h) if required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
  - (i) A roofed platform constructed of concrete or other impervious material.
  - (ii) the platform's outside edges must have a minimum curb of 77 mm high.
  - (iii) the platform must be graded and drained in terms of section 98; and
  - (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

#### **67. Duties of keeper of poultry-**

- 1) Any person who keeps poultry must -
  - (a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system.
  - (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair.
  - (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests.
  - (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public.
  - (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform.
  - (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system.
  - (g) place the manure and other waste matter in manure storage receptacles.
  - (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
  - (i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

### **Part 5: Keeping of rabbits**

#### **68. Application-**

The provisions of sections 85(b), (c), (d), (f) and (g), and 86(d), (f) and (g), do not apply to any person keeping five (5) or less rabbits.

#### **69. Permit requirements-**

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a health certificate authorising that activity.

**70. Requirements for the premises-**

- 1) No person may keep rabbits in premises which do not comply with the following requirements:
  - (a) In relation to a rabbit hutch -
    - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface.
    - (ii) the floor surface must be -
      - (aa) constructed of concrete or other impervious material brought to a smooth finish.
      - (bb) situated at least 150 mm above ground level; and
      - (cc) graded to a channel drained in terms of section 120, if required by an environmental health practitioner.
    - (i) adequate ventilation must be provided; and
    - (ii) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
  - (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run.
  - (c) in relation to a building or structure housing a battery system -
    - (i) every wall must -
      - (ii) be at least 2,4 metres high.
        - (aa) be constructed of concrete, stone, brick or other durable material; and
        - (bb) must have a smooth internal surface.
      - (i) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure.
      - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 98.
      - (iii) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
      - (iv) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure.
    - (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system.
    - (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -
      - (i) any dwelling, building or other structure used for human habitation.
      - (ii) any place where foodstuffs are stored or prepared for human consumption; or
      - (iii) the nearest boundary of any land.
    - (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and (g) adequate washing facilities must be provided for the cleaning of cages.

**71. Duties of keepers of rabbits**

- 1) Any person who keeps rabbits must -
  - (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system.
  - (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair.
  - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests.
  - (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform.
  - (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours.
  - (f) keep the manure and waste in manure storage receptacles until it is removed from the premises.
  - (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance; and
  - (h) Take adequate measures to keep the premises free of pests.

**Part 6: Keeping of birds other than poultry****72. Requirements for the premises-**

- 1) No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- (a) the aviary must be constructed of durable rodent-proof material.
- (b) adequate access must be provided for cleaning purposes.
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level.
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall: an
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

### 73. Duties of keepers of aviaries-

- 1) Any person who keeps birds in an aviary must -
  - (a) ensure that the aviary and the premises are kept in a clean condition and free from pests.
  - (b) provide and use rodent-proof facilities for the storage of bird food; and
  - (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

## Part 7: Kennels and Catteries

### 74. Requirements for premises-

- 1) No person may use premises as kennels or a cattery except in terms of a health certificate authorizing that activity and unless the premises comply with the following requirements:
  - (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
    - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes.
    - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
    - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
    - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
  - (b) subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
    - (i) every wall must be made of brick, stone, concrete or other impervious material.
    - (ii) every wall must have a smooth internal surface.
    - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish.
    - (iv) every shelter must have adequate access for cleaning and eliminating pests.
  - (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
    - i. the kennel must be constructed of an approved weatherproof and insulating material or other similar material.
    - ii. the kennel must be movable.
    - iii. the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
    - iv. a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base.
  - (d) a concrete apron extending at least one meter wide around the edges of the enclosure must be provided.
  - (e) the apron must be graded and drained in a way that drains stormwater away from the enclosure.
- 2) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure.
  - (a) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
  - (b) no shelter, enclosure or kennel may be situated within five metres of any –
  - (c) dwelling or other building or structure used for human habitation.
    - (i) A place where food is stored and prepared for human consumption; or
    - (ii) the boundary of the premises.

### 75. Food preparation areas-

- 1) Any keeper of kennels or a cattery who is so instructed by an environmental health practitioner, must provide a separate room or roofed area for the preparation of food which complies with the following requirements:
  - (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish.
  - (b) The internal wall surfaces of the room or roofed area must be smooth and easily cleanable.

- (c) Adequate washing facilities for food bowls and utensils must be provided; and
- (d) A rodent-proof storeroom must be provided for the storage of food.

#### **76. Duties of keepers of kennels or catteries**

- 1) Any person operating kennels or a cattery must—
  - (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair.
  - (b) provide portable storage receptacles, of an impervious material with close-fitting lids, for the storage of dog and cat faeces.
  - (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b).
  - (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance; (e) store all loose food in receptacles, with close fitting lids, in the food store.
  - (e) provide adequate refrigeration facilities to store perishable foods on the premises; (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces.
  - (f) keep any sick dog or cat isolated from any other animals.
  - (g) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests; and
  - (h) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

### **Part 8: Pet shops and pet parlours**

#### **77. Requirements for premises-**

- 1) No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:
  - (a) Any wall and partition must –
    - (i) be constructed of brick, concrete, or other impervious material.
    - (ii) have a smooth and easily cleanable internal surface; and
    - (iii) be painted with a washable paint or other adequate finish.
  - (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish.
  - (c) all ceilings must be dustproof and easily cleanable.
  - (d) at least one wash hand basin, with a supply of running hot and cold portable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15.
  - (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 99.
  - (f) adequate storage facilities must be provided.
  - (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
    - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m<sup>2</sup>, raised at least 100mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running portable water: or
    - (ii) a stainless-steel sink or trough of adequate size with a drainage board and provided with a supply of running portable water.
  - (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 99.
  - (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor.
  - (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
    - (k) have a floor area providing at least 0,5 m<sup>2</sup> for each employee.
    - (l) have a minimum overall floor area of 6 m<sup>2</sup> and width of two metres; and
    - (m) be equipped with an adequate metal locker for each employee.
  - (n) if no change room is required in terms of paragraph (j), each employee must be provided with an adequate metal locker.
  - (o) for the purposes of washing, clipping or grooming of pets –
    - (p) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running portable water must be provided.
    - (q) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided.
  - (r) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and

- (s) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 99.
- (t) all buildings, including storage areas, must be rodent proof; and
- (u) the premises may not have direct internal access with any room or place –
  - (i) used for human habitation.
  - (ii) where clothing is stored or sold; or
  - (iii) where food is prepared, stored or sold for human consumption.

#### **78. Duties of pet shop or pet parlour keepers-**

- 1) Any keeper of a pet shop or pet parlour must –
  - (a) provide cages for housing the pets which comply with the following requirements:
    - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning.
    - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed.
    - (iii) the cages must be able to be moved easily.
    - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle.
    - (v) the cages must be fitted with a drinking vessel filled with water.
    - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm.
    - (vii) the cages must be kept a minimum of 450 mm above floor level; and
    - (viii) the space below every cage must be unobstructed.
  - (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 115.
  - (c) provide adequate refrigeration facilities to store all perishable pet food on the premises.
  - (d) ensure that in any room in which the pets are kept –
    - (i) 50 % of the floor space is unobstructed; and
    - (ii) the cages are placed a minimum of 800 mm from one another.
  - (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair.
  - (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty.
  - (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises.
  - (h) provide an adequate supply of portable water for drinking and cleaning purposes.
  - (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
  - (j) ensure that the number of pets contained in each cage does not impede their free movement.

### **Part 9: Keeping of wild animals**

#### **79. Requirements for the premises-**

- 1) No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements.
  - (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
    - (i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities.
    - (ii) the enclosure and/or housing may not be situated within 50 metres of –
      - (aa) any boundary of the premises.
      - (bb) any dwelling, building or structure used for human habitation.
      - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
      - (dd) any water resource intended for domestic consumption.
    - (iii) an adequate supply of portable water for drinking and cleaning purposes must be provided; and
    - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance.
  - (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running portable water and drained in accordance with section 99, must be provided for the preparation of food.
  - (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –
    - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or



- (ii) a stainless-steel sink or trough adequate in size to accommodate the equipment to be washed.
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 99.
- (e) any area and room in which fodder and food are stored must be rodent proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

#### 80. Duties of keepers of wild animals-

- 1) Any person who keeps wild animals must –
  - (a) maintain the premises in a clean and sanitary condition at all times.
  - (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals.
  - (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
  - (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

### Part 10: Keeping of pigs

#### 81. Requirements for premises-

- 1) No person may keep pigs on premises which do not comply with the following requirements:
  - (a) Every wall must –
    - (i) be constructed of brick, stone, concrete or other durable material.
    - (ii) have a minimum height of 1,5 metres; and
    - (iii) have a smooth, impervious internal surface.
  - (b) the floor area must provide at least 3 m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>;
  - (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres; (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
    - (i) be situated opposite one another in the external walls; and
    - (ii) provide a minimum of 0,15 m<sup>2</sup> for each pig.
  - (e) the floor must be –
    - (i) at least 150 mm above the surrounding ground level.
    - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
    - (iii) graded for the run-off of liquids into an open channel outside the pigsty.
  - (f) the open channel referred to in paragraph (e)(iii) must –
    - (i) be constructed of concrete or other durable and impervious material.
    - (ii) be a minimum of 100 mm in diameter; and
    - (iii) be drained in terms of section 98.
  - (g) the pigsty must be strong enough to prevent the pigs breaking out.
  - (h) the pigsty may not be situated within 100 metres of –
    - (i) the boundary of the premises.
    - (ii) any dwelling, building or structure used for human habitation.
    - (iii) any place where foodstuffs are stored or prepared for human consumption; or
    - (iv) any water resource intended for domestic consumption.
  - (i) a roofed over concrete platform must be provided for –
    - (i) the storage of all swill in containers; and
    - (ii) the preparation of pig feed.
  - (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
  - (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.
  - (l) effective fly control measures must be provided.

#### 82. Duties of keepers of pigs-

- 1) Every person keeping pigs must -
  - (a) ensure that every pig is kept within a pigsty.
  - (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair.
  - (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure.
  - (d) keep all manure storage receptacles on a platform that complies with the provisions of section 98(b).

- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles.
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance.
- (g) provide a rodent-proof storeroom of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

#### **Part 11: Keeping of pets**

##### **83. Duties of keepers of pets-**

- 1) Any person who keeps pets must –
  - (a) maintain the premises in a clean and sanitary condition at all times.
  - (b) clean all manure and food scraps from any premises at adequate intervals.
  - (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid.
  - (d) ensure the availability of drinking water on the premises.

#### **Part 12: General provisions**

##### **84. Drainage-**

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

##### **85. Requirements for keeping of bees-**

- 1) No person may keep bees on any premises unless –
  - (a) that person is the holder of a health certificate authorising that activity; and
  - (b) every beehive is situated –
    - (i) a minimum of five metres from any boundary of the premises; and
    - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds.
    - (iii) the bees are kept in an approved beehive; and
    - (iv) the beehive is –
      - (v) kept in an area inaccessible to children and animals.
      - (vi) kept in the shade at all times, and.
- 2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any beehive.

##### **86. Illness attributable to animals, poultry or birds-**

- 1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health practitioner within 24 hours of diagnosis, by the person making the diagnosis.
- 2) An environmental health practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

##### **87. Keeping of and slaughtering animals for religious and ceremonial purposes-**

- 1) A person intending to slaughter an animal in any place other than in a recognised Abattoir. Must –
  - (a) notify the Council in writing, three (3) days prior to the event; and
  - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application.
  - (c) obtain prior written permission from Council to conduct such a slaughtering,
  - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public.
  - (e) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast.
  - (f) handle the meat in a hygienic manner at all times.
  - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance.
  - (h) not keep such animal prior to slaughtering for a period in excess, of 12 hours; and

- (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- 2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the services of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

#### CHAPTER 14 CARAVAN PARKS AND CAMPING GROUNDS

**“approved”** means approved by the Council, regard being had to the reasonable public health requirements of the particular case.

**“camp”** or **“camping”** means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans.

**“Camping ground”** means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation.

**“Camp site”** means an area or plot of ground within a camping ground for the accommodation of a camper’s party.

**“camper’s party”** means a party of not more than six persons.

**“caravan”** means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purposes, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicle not normally health certificate without a special health certificate is from this definition).

**“Caravan Park”** means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

**“Caravan site”** means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any:

#### 88. Requirements for Premises-

- 1) For each caravan or camp site there shall be provided a clearly demarcated and numbered level area of not less than 120 m<sup>2</sup> with a minimum width of 10m.
- 2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
- 3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
- 4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
- 5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
- 6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.
- 7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and the fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
- 8) An adequate and constant supply of portable water shall be available and one permanent standpipe shall be provided in a convenient position for every four caravan or camp sites, and under every standpipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- 9) All baths, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- 10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or a towel rail of at least 600mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600mm.

#### 89. Sanitary Facilities

- 1) The following separate water closet and urinal accommodation shall be provided:
  - (a) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or campsites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved materials.

- (b) Females: A minimum of two water closets and thereafter an additional water closet for every six caravans or camp sites or part thereof in excess of twelve sites. A binette with a self-closing lid shall be provided in each water closet.
- (c) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light-coloured oil paint or shall be provided with a wall covering of an approved material.
- (d) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (e) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravaners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (f) For every twenty caravan or camp sites or part thereof for the uses of caravaners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three-pin plug shall be fitted in the laundry room.
- (g) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravaner's or camper's culinary utensils.

## CHAPTER 15 DISPOSAL OF THE DEAD

### 90. Requirements:

- 1) Any person involved in processes of disposal of the dead must abide by Health Act and regulations:
  - (a) The Funeral Undertaker must be in possession of a certificate of competence issued by the relevant authority.
  - (b) The premise from which the Funeral Undertaker operates must be zoned in accordance with the local Town Planning Scheme for such businesses.
  - (c) The requirements relating to a Funeral Undertaker's premises are in accordance with Act 61 of 2003. (d) The premises be subject to inspection,
  - (d) The Council reserves the right to refuse permission to any Funeral Undertaker to undertake business in any cemetery or crematorium under its jurisdiction if such undertaker is not in compliance with these By-laws.

#### Application to exhume a body or body ashes-

Any person who intends to exhume or cause to exhume a body or body ashes shall comply with provisions of these By-laws.

### 91. Exhumation requirements-

- 1) The Environmental Health Services shall grant authorization for an exhumation to be conducted subject to compliance with the following requirements:
  - (a) Handling of the mortal remains must be done by a registered undertaker.
  - (b) All persons engaged in the physical exhumation shall be provided with approved protective clothing such as durable hand gloves, overalls, gumboots and aprons of durable material and nose and mouth masks.
  - (c) An effective, approved disinfectant to be provided and effectively used to disinfect during and after exhumation.
  - (d) After exposing the coffin, and/or body remains, such coffin, body remains and soil surrounding it shall be effectively disinfected.
  - (e) If the coffin is still in a good state of repair, it must not be opened and must be placed in a suitable container immediately after exhumation.
  - (f) If the deceased has not been buried in a coffin, or if the state of decomposition of the coffin and the remains render compliance with sub-section (5) impossible, the remains and the content of the grave must be placed in a suitable container immediately after exhumation.
  - (g) All used disposable protective clothing to be placed into refuse bags and to be disposed of in an approved manner.

### 92. General provision

The applicant must at all times comply with the provisions of the By-laws relating to Municipal Cemeteries of the municipality.

### 93. Cemetery facility

- 1) shall have Cemetery Name Signs with a maximum size of cemetery name signs shall be 1,5(one point five) meter in height and one meter in width. Height shall be measured from the top of the uppermost board to the bottom of the lowest board.
- 2) side must be fenced and contain at least one or more entrances with lockable gate(s).
- 3) Must contain ablution facility accommodating both genders.
- 4) facility must have accessible safe water supply.
- 5) yard must be kept clean free from environmental hazards.
- 6) Must have a direction sign board to direct the public situated outside.

## CHAPTER 16 DRY CLEANING AND LAUNDRIES

**"Clothes or clothing"** shall mean and include all articles of wearing apparel, table linen, bed linen and window curtains, or any other articles submitted for laundry work.

**"Council"** means the municipal council of the Waterberg Municipality in which the executive and Legislative authority of the municipality is vested, and which is the decision-making body of the municipality, and its delegates.

**"Head"** means the Head: Social Services or a person delegated by her to perform the functions set out in these by-laws.

**"laundry"** means and include all premises where laundry work is performed.

**"Laundry work"** shall mean and include the washing, mangling, drying, bleaching, dry cleaning and ironing of any clothing or clothes, for gain and also delivery thereof.

**"Receiving depot"** shall mean such premises other than a laundry, where clothes or clothing are deposited, kept or stored for purposes of laundry work and shall include the entire apartment in which such depot is situated.

**"Prescribed fees"** means the fees as determined from time to time by the Council by means of resolution.

### 94. Application and requirement

#### Registration of laundry

- 1) Any person desiring to establish or carry on any laundry or receiving depot within the municipality shall apply in writing on the prescribed forms, to the municipality for health certificate in respect of the premises concerned.
- 2) Such health certificate shall be in the format as approved from time to time.
- 3) No health certificate shall be transferable from one person to another.
- 4) no person may conduct a business as a laundry or receive any clothes or clothing to be laundered on any premises not registered in accordance with these by-laws. A person in contravention of this subsection shall be guilty of an offence.
- 5) Premises registered as a receiving depot in terms of these regulations shall be used for such purposes exclusively.

### 95. Requirements for buildings, appliances, apparatus, and furniture

- 1) Every person conducting the business of a laundry shall in respect of the premises where any such business is carried on, or in respect of the appliances, apparatus and furniture used on such premises, or in respect of the persons engaged in connection with such business, or in respect of the conducting of such business, comply with the following conditions:
  - (a) every building in which laundry work is performed shall be sufficiently lighted and ventilated by means of windows, doors, and other openings so as to clear contaminated air therein.
  - (b) the floor of every wash-place in a laundry shall be properly paved with cement concrete with a smooth surface or with other hard and impermeable material and shall be properly and efficiently drained. The walls of every such wash-place shall be of smooth finish and covered either in oil-based paint or with glazed tiles, impervious bricks, or a washable surface to a height of at least 2 metres from floor level.
  - (c) the wash-stone, bench, slab, block or other implement, article or thing used for the purpose of receiving clothes or clothing in the process of being soaped or cleaned, shall be constructed in such a manner to health certificate being kept in a thoroughly clean condition at all times.
  - (d) every part of the laundry including the furniture and fittings therein shall at all times be kept scrupulously clean and free from vermin.
  - (e) every employee in a laundry shall be clean in person and his wearing apparel shall be kept in a proper state of cleanliness. Suitable overalls shall be provided by the employer and shall be worn by all persons engaged in the laundry. Such overalls shall not be removed from the laundry premises.

- (f) all clothes or clothing brought into any laundry for laundry work shall be kept in such laundry until returned to the owner thereof or to the Receiving Depot.
- (g) no iron, stove or other apparatus likely to emit noxious fumes or gas injurious or dangerous to health shall be used in a laundry, unless efficient ventilation as prescribed by national legislation or regulations, are provided to the rooms in the laundry where these gasses are used.

## 2) **Structural facilities**

- (a) The layout of the laundry and plant in health facilities must meet process requirements for ensuring health and safety of employees; for controlling of infection; and avoiding contamination.
- (b) Ventilation must comply with specific air flow requirements e.g., from clean to soiled linen areas and from roof to floor in contaminated linen areas.
- (c) Drainage for laundry from health facilities should be designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (d) Internal walls should be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured paint that is easily cleanable.
- (e) Ceilings should be constructed of a dust proof material, smoothly finished and painted with a light-coloured washable paint.
- (f) Floor surfaces should be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained.
- (g) The minimum height from floor to ceiling of any room or area should not less than 2.4 meters.

## 3) **Water supply and sanitation facilities**

- (a) Toilet facilities and hand wash basins should be provided on the premises for staff and must be separated by gender. At least 1 (one) toilet and 1 (one) hand wash basin should be provided for every 20 (twenty) employees on the premises.
- (b) Toilet facilities should be equipped with a flushing system and a constant supply of toilet running water, and provided with toilet paper, soap, and disposable paper towel.
- (c) Where five or more persons of the same sex are employed on the premises, adequate separate change rooms should be provided for male and female employees and designated for each sex; a locker must be provided for each staff member in the change rooms, as well as a hand wash basin provided with a supply of running hot and cold portable water.
- (d) A supply of soap and disposable towels at every hand wash basin.
- (e) An approved, suitable and effective means of drainage and sewage disposal should be in place on the premises and must be approved by the local authority concerned.

## 4) **Storage, work areas and facilities**

- (a) A workroom or area used for housing dry- cleaning machines, washing-machines, and all other fixed or movable equipment used for the operation of a dry cleaning or laundry facility should be provided on the premises.
- (b) In the case of receiving depots, a separate area with a minimum width of not less than 2m must be provided, fifty percent of that area must be unobstructed.
- (c) A floor area of not less than 2.5 m<sup>2</sup> per person should be provided in the work area for persons employed on the premises.
- (d) A separate area with separate designated counters, with an impervious surface must be provided for receiving and dispatching of articles.
- (e) A separate area should be provided for receiving and marking of soiled and dirty articles and the area is equipped with:
  - (f) Working tables constructed of a durable material with an impervious surface.
  - (g) Adequate containers constructed of a washable material for storage of dirty articles; and
  - (h) Hanging rails and shelves constructed of an impervious material in the area for marking clean articles.
- (i) A storeroom of facilities for the storage of packaging material and other articles should be provided and equipped with adequate packing shelves.
- (j) Suitable and separate hazard-free lockable storage for chemicals must be provided.
- (k) All packaging shelves should be a height of at least 250mm above floor level.
- (l) A separate room or area with separate designated counters, with an impervious surface should be provided for the receipt and dispatch of articles.
- (m) All machinery and equipment should be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner.
- (n) If nappies are laundered on the premises, a separate pre-rinsing area should be provided for rinsing of nappies prior to washing.



- (o) The premises, as well as all fittings, equipment and appliances and machinery must be kept clean, hygienic and in good repair at all times.

#### **CHAPTER 18**

#### **SURVEILLANCE AND PREVENTION OF COMMUNICABLE AND NON-COMMUNICABLE DISEASES**

##### **96. Prevention and restriction of and control over communicable diseases:**

- 1) An environmental health practitioner may, when it comes to his or her notice that a communicable disease is present or has occurred in his or her area and if he/she is reasonably satisfied that the spread of such disease constitutes or will constitute a real danger to health, may, by written order and subject to conditions contained in such order –
  - (a) close any public place.
  - (b) regulate or restrict any person to any area.
  - (c) place any person or persons or any premises or specific area under quarantine in order to prevent the spread of such disease or in order to control or restrict such disease.

#### **CHAPTER 18**

#### **VECTOR CONTROL**

##### **97. Requirements**

- 1) Premises must comply with the following requirements for rodent or pest control purposes:
  - (a) Effective measures must be implemented to prevent and control infestation from rodents, insects and other pests on any premises. Pest control programs on premises should set out procedures necessary to prevent and control pests within the premises. It includes identification of pests; level of infestation and measures implemented to prevent and control pest infestation in the internal and exterior perimeters of the premises.
  - (b) Pest control program should adopt an integrated pest management (IPM) approach which includes facility inspections, waste management, housekeeping, hygiene standards, structural maintenance and repairs of premises.
  - (c) Pest control program to include:
    - i. Regular inspection of premises to identify conditions that promote harbourage of pests (i.e. availability of water, food, shelter that may be used by pests);
    - ii. Clear prevention and control measures to be implemented in dealing with pest infestations within premises; and
    - iii. Procedures on correct storage of food, management of waste and housekeeping to ensure proper management of conditions that may promote pest infestation.
  - (d) Suitably trained and competent personnel should be designated for the implementation and maintenance of documented pest control programs.

##### **98. General hygiene standards**

- 1) Waste management
  - (a) Waste generated on premises should be properly removed and stored at all times.
  - (b) Waste storage areas must be kept clean, and waste removed regularly to eliminate potential food sources and harbourage for pests.
  - (c) Containers used for the discarding or storage of waste material to be fitted with tight fitting lids, maintained rodent proof and constructed of material which may not be penetrated by rodents.
  - (d) Waste storage containers must be kept closed, cleaned and disinfected regularly to avoid attracting pests.
- 2) Housekeeping
  - (a) Good housekeeping practices should be adopted to ensure premises are kept free of conditions that may attract pests.
  - (b) A cleaning program should be in place which promotes the immediate cleaning of minor spills and filth (i.e. clean-as-you-go principle).
  - (c) External environment should be maintained in good condition, including cutting and trimming of overgrown grass and vegetation to prevent harbourage of pests.
- 3) Water and Food
  - (a) Stagnant water should be emptied and removed to eliminate possible breeding area for mosquito and source of water for rodents and other pests.
  - (b) Food products and any matter that may attract vectors must be covered at all times and stored correctly.
  - (c) Premises should be maintained in a manner which does not allow the accumulation of water that may result in breeding or harbourage of any pest.
- 4) Use of Baits on Premises
  - (a) Bait stations must be placed in a locked, labelled, tamper-resistant container designed specifically for holding baits.

- (b) Baits containers should be securely placed to ensure container may not be moved or picked up.
  - (c) Regular inspections on the bait station must be conducted to check for the presence of rodents.
  - (d) Bait stations must be maintained in good condition and replaced regularly.
  - (e) Bait stations should be placed in a manner so as not to be accessible by children or untargeted animals.
  - (f) Schematic representation of areas where rodent bait stations have been placed must be recorded and updated when required.
- 5) Rodent Proofing
- (a) Premises should be constructed and maintained in a rodent proof manner to prevent penetration of by rodents and other pests.
  - (b) Rodent proofing in buildings must be conducted in terms of the SANS Code 080:1972 – Code of Practice for the Rodent Proofing of Premises.
  - (c) Any openings or gaps on the premises where rodents may enter must be repaired or sealed immediately.
  - (d) All rodent proofing must be maintained in good order and repair so as to be impervious to rodents and other pests.
- 6) Pesticide use
- (a) The frequency of pesticide application should be based on the level of pest infestation on the premises, e.g., high levels of pest infestation may initially require monthly pesticide application.
  - (b) Pest infestation must be identified prior to pesticide use as type of pest determines type of pesticide to be used.
  - (c) Pesticides should be used in a manner as not to cause harm to the environment and to human health.
  - (d) Pesticides must be applied only when control for a specific pest cannot be achieved in any other way, such as, including, but not limited to waste management, usage of traps, good housekeeping.
  - (e) In the case where an external pest control service provider is utilized, such a contractor must be registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947).
  - (f) Pesticides must be handled, stored and disposed of in terms of SANS 10206:2010 – The Handling, Storage and Disposal of Pesticides.
  - (g) Operators of pesticides must use proper personal protective clothing and gear during pesticide application.
  - (h) Pesticides must be applied according to the label/manufacture's instruction.
  - (i) In food establishments, the use of pesticides for pest control must be conducted in terms of SANS Code 10133:1977 – The application of pesticides in food handling, food processing and catering establishments.
  - (j) In food establishments, the use of pesticides for pest control must be conducted in terms of SANS Code 0133:1977 – Code of practice of practice for the application of pesticides in food handling, food processing and catering establishments.
  - (k) Pest control certificates for extermination must be issued by Pest control operators registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock remedies Act, 1947 (Act No. 36 of 1947) and such certificates must not be older than 6 months.
  - (l) The application of pesticides on the premises must be recorded and records must be made available at the request of an authorised official.
  - (m) The application of pesticides on premises must be communicated to all in public areas within the premises prior to such application.
  - (n) Such communication to include:
    - (i) Purpose of pesticide application.
    - (ii) Registered name and number of pesticides used.
    - (iii) Precautions to be taken prior or after the application.
    - (iv) Date and time of application.
    - (v) Area of application; and
    - (vi) Contact details of responsible individual.
  - (o) The storage of pesticides for commercial use should be avoided on premises. In cases where such storage may not be avoidable, the following applies:
    - (i) Pesticides must be stored in dry, well ventilated, lockable storage areas where access is limited to relevant individuals.
    - (ii) Pesticide storage area must be located away from food or water handling and storage areas.
    - (iii) Pesticide storage area must specifically be designated for such storage and no other item to be stored in such area.
    - (iv) Stored pesticides must be correctly labelled and maintained free of leaks.

- (v) Disposal of pesticides, pesticide containers and pesticide residues should be effectively conducted in terms of SANS 10206:2010 – The Handling, Storage and Disposal of Pesticides.
- (vi) Clear, visible warning signage must be placed on the entrance of storage areas.
- (vii) Spill control procedures must be documented and made available.
- (viii) Pesticides should be kept in their original containers and tightly closed at all times.
- (ix) Pesticide storage containers must be inspected regularly for leaks; and (x). An inventory of all stored pesticides must be kept away from the storage area.

**7) Records of pest control to be kept.**

The following records must be documented and kept on the premises:

- (a) Records detailing site inspections and chemical applications that have been conducted on the premises.
  - (b) Premises site- inspection records are to include, but not limited to:
    - (i) Date of inspection.
    - (ii) Pest sightings during inspection.
    - (iii) Area of pest infestation.
    - (iv) Location of baits, if used; and
    - (v) Recommendations made on rodent proofing, hygiene or food, waste and water storage.
    - (vi) Records of chemical applications on premises may include, but not limited to:
    - (vii) Name of pesticide used.
    - (viii) Target pest.
    - (ix) Method of application.
    - (x) Specific area where pesticide has been applied.
    - (xi) Amount of pesticide used at the application site.
    - (xii) Date of chemical applications; and (vii) Details and signature of applicator.
- 8) Records must be made available to an authorised official on request.

## CHAPTER 19 ENVIRONMENTAL POLLUTION CONTROL

### **99. Noise Control:**

- 1) No person
  - (a) may erect educational, residential, flat, hospital, church or office buildings in an existing area for which a zone sound level has been designated, unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured to such a level as determined by the designated zone sound levels, approved by Council.
  - (b) may situate educational, residential, hospital or church erven within a controlled area or an area that has been rezoned: Provided that such situation may be allowed by the local authority concerned in accordance with the acoustic screening measures mentioned by the environmental health practitioner in the approved building plans.
  - (c) may operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played, in a public place, if the noise level, measured at any point which may be occupied by a member of the public or at one metre from the source of the sound, exceeds 90dBA, unless permission has been obtained from the municipality during the period that noise should not exceed 8 hours in a day or from 14:00 to 22:00 pm in a given day.
- 2) Excessive, disruptive and displeasing noise emanating from any activity on any premises must be controlled to ensure acceptable levels.
- 3) The level of noise produced on an industry that emits noise should conform to the requirements as specified in the Occupational Health & Safety Act 85 of 1993
- 4) Noise prevention and mitigation measures should be applied where predicted or measured noise impacts from a project facility or operations exceed the applicable noise level guideline at the most sensitive point of reception.
- 5) Utilising measures for controlling noise from stationary sources by implementing noise control measures at source.

### **100. Prohibition of Disturbing Noise**

- 1) No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.
  - (a) Any person intending to host an event shall consult with neighbours who are likely to be affected by an event to seek their consent in writing before any event is staged, such written consent shall detail the time, date and type of event, the application form.

- (b) Application for traditional and religious ceremonies, promotions and marketing events shall be submitted to the District Municipality seven (7) days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(a).
- 2) General powers of the Municipality.
  - (a) The municipality may –
  - (b) for the purpose of applying these regulations, at any reasonable time enter a premises –
    - (i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and
    - (ii) to take any steps it may deem necessary.
  - (c) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles, air traffic or by vehicles that are not used as recreational vehicles on a public road;
  - (d) if the owner or person in charge of an animal making a fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
  - (e) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited.
  - (f) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.
- 3) Exemptions
  - (a) The provision of these regulations shall not apply, if –
  - (b) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or
  - (c) the emission of sound takes place during an emergency.
- 4) General prohibition
  - (a) No person may –
  - (b) fail to comply with a written condition, instruction, notice, requirement or demand issued by a District Municipality in terms of these regulations.
  - (c) tamper with, remove, put out of action, damage, or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a district.
  - (d) for the purposes of these regulations, in respect of a duly authorized employee of a district–
    - (i) fail or refuse to grant admission to such employee to enter and to inspect a premises.
    - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee.
    - (iii) hinder or obstruct such employee in the execution of his or her duties; or
    - (iv) give false or misleading information to such employee knowing that it is false or misleading.

## CHAPTER 20 POLLUTION CONTROL

### 101. Land, soil, water and air pollution control

- 1) No person: -
  - (a) is allowed to dispose of any chemical toilets' contents, pesticide contents and containers or any other waste in any area unless permitted by the municipality.
  - (b) to may dispose of oil or any hazardous waste on any soil.
  - (c) is allowed to dump any building rubble in any area unless permitted by the local municipality.
  - (d) may litter or dump any waste on any private or public land not designated for that purpose.
- 2) No person: -
  - (a) may pollute any water source.
  - (b) is allowed to dispose of any chemical toilets' contents or pesticides contents and containers or any waste into water.
- 3) Waste Management:
  - (a) Waste generated in the municipal area must be disposed of at an approved landfill site.
  - (b) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
  - (c) No person may dump waste.

- (d) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant authorities permit of such incineration.

**102. Storage of special industrial, hazardous or health care risk waste**

- 1) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- 2) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.

**103. General requirements with regard to Air pollution:**

- 1) Any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures: (i) to prevent any potential significant air pollution from occurring; and;
  - (a) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.
  - (b) The Council may through air quality subsection direct any person who fails to take the measures required under subsection (1) –
    - (i) to investigate, evaluate and assess the impact of specific activities and report thereon.
    - (ii) to commence taking specific reasonable measures before a given date.
    - (iii) to diligently continue with those measures; and
    - (iv) to complete them before a specified reasonable date.

**CHAPTER 21  
CHILDCARE CENTERS / ECDS**

**104. Standards**

- 1) Childcare centres must comply with the following standards:
  - 1) Location and design
  - 2) The premises used for or in connection with child- care services located, designed, constructed, finished, and equipped and in such a condition that child-
    - (i) can be cared for hygienically; and
    - (ii) can be adequately protected against any possible public health hazard, risk and/or public health nuisance.
- 2) **A partial care facility for children with disabilities or chronic illnesses, in addition to the National Norms and Standards contemplated in subsection (1) shall-**
  - (a) be accessible to such children.
  - (b) provide facilities to meet the needs of such children; and
  - (c) employ persons that are trained in and provide training to persons employed at the facility.
  - (d) The needs, health, and safety of such children.
  - (e) Appropriate learning activities and communication strategies for such children; and
  - (f) Basic therapeutic intervention.
- 3) **A partial care facility may offer programmes appropriate to the developmental needs of the children in that facility as may be prescribed, in line with the Children's Act, 2005 (Act No. 38 of 2005) ("the Children's Act").**
- 4) **Issue of a Health Certificate for operation of a childcare centre**
  - (a) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises comply with EH norms and standard.
  - (b) A health certificate shall indicate the following information:
    - (i) The details of the health certificate holder, owner/person in charge of the childcare center.
    - (ii) The physical address of the premises
    - (iii) The identity number of the certificate holder.
    - (iv) The number of children and the minimum age groups permitted on the premises.
    - (v) Hours of operation; full day or half day care.
    - (vi) Prohibitions placed on the premises.
    - (vii) A certificate numbers.
    - (viii) Date of issue; and
    - (ix) The validity period (one calendar year from the date of issue).
  - (c) The health certificate is displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.

- (d) A health certificate shall not be transferable from one owner to another, or from one premises to another.
- (e) Health certificates must be renewed by an EHP of the relevant local authority.
  - (i) Annually
  - (ii) In case of change of ownership.
  - (iii) In the case of renovations/additions to the existing premises; a
  - (iv) If the services move from one premises to another.
  - (v) A health certificate may be withdrawn by an EHP where conditions of the premises are such that they pose a hazard or risk to the children's health and safety.
- 5) **Enclosure of the premises**
  - (a) An enclosed yard, enclosed with a fence, brick, wall or other approved material must be provided to ensure the safety of children on the premises.
  - (b) An entrance and exit control available on the premises.
  - (c) The yard must be kept clean at all times free from long grass, debris, litter, stagnant water and other miscellaneous waste.
- 6) **Indoor play area**
  - (a) An indoor play area for playing, eating and for sleeping purposes is provided in line with the requirements as set out in the Children's Act.
  - (b) A building structure used as an indoor play area must be compliant with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977):
    - (i) Exterior walls and roof is constructed in a manner as to prevent the permeation of wind and rain and to ensure the health and safety of children;
    - (ii) Windows and doors must allow natural light and cross ventilation; and
    - (iii) Floors have a smooth surface that is easily cleanable and prevents the permeation of dampness.
  - (c) An indoor play area with a minimum of 1.5m<sup>2</sup> free unobstructed floor space must be available for each child.
  - (d) If no outdoor play area must be provided on the premises, an indoor play area with a free unobstructed floor space of 3m<sup>2</sup> must be provide.
  - (e) Separate indoor and outdoor play areas must be provided for at different age groups (0-2 years), (2-4 years), (4-6 years)
  - (f) An activity area of 4m<sup>2</sup> must be provided for every child of school going age catered for on the premises.
  - (g) The play area should be free from any structural hazards, such as sharp corners, stairs, slippery surfaces that may pose a danger or constitute a hazard to children on the premises.
  - (h) Adequate seating (juvenile size chairs and tables), playing and sleeping (waterproof mattresses) equipment must be available for the individual use of each child.
  - (i) Cots and waterproof mattresses must be spaced 750mm apart during sleep or nap time to allow free and safe movement by a childcare supervisor.
  - (j) Linen used for sleeping purposes must be laundered at least weekly, especially for children under the age of 3 (three) years.
  - (k) Indoor playing equipment/toys should be provided free from sharp points or edges.
  - (l) The area must be kept clean and in good repair at all times, free from debris, litter and other miscellaneous rubbish.
  - (m) During cold weather conditions, the premises should be adequately heated throughout with suitable means of heating, to prevent children being exposed to extreme cold conditions. Heating facilities used are safe for children and staff and do not emit noxious fumes, gases, or odour.
  - (n) Storage facilities for the storage of children's toys, books, and other play material must be provided in the indoor play area.
- 7) **Outdoor play area**
  - (a) An outdoor play area of adequate size must be provided on the premises, in line with the requirements as set out in the Children's Act
  - (b) An outdoor play area of a minimum of at least 2m<sup>2</sup> must be provided for each child.
  - (c) Separate outdoor play areas should be provided for different age groups, (0-2 years) (2-4 years), (4-6 years).
  - (d) The play area must be enclosed by adequate means of enclosure and provided with a lockable gate, to prevent unauthorized entry and children leaving the premises on their own accord.
  - (e) The play equipment provided must be free from sharp points or corners, splinters, protruding nails or bolts or rusty parts, hazardous small parts, lead-based paints, poisonous material, or flaking or chalking paint. The play equipment should also be designed to guard against entrapment or situations that may cause strangulation.
  - (f) The play equipment should be kept clean and maintained in good working order and in good repair.



- (g) Playground equipment provided on the premises must be safe and should not pose any harm to the safety of the children, with regards to the height and material construction of the equipment and playground surfacing.
- (h) The outdoor play area must be kept clean and free from litter, debris, and accumulation of other waste.
- (i) The outdoor play area must be free of any excavations, steps, projections, levels, or any surface which is dangerous or may constitute a safety hazard.
- 8) **The use of artificial/synthetic grass surfaces**
  - (a) Where artificial grass surfaces are used in outdoor play areas, the following measures must be put in place to ensure the safety of children:
  - (b) Due to the ability of synthetic fibres to retain high surface temperatures, measures should be taken to reduce high surface temperatures on the grass (applying water on the synthetic fibre on warm days).
  - (c) The surfaces should be cleaned regularly with suitable cleaning material to prevent the offensive odours and the occurrence of other health hazards.
- 9) **Toilets / ablution and nappy changing facilities**
  - (a) Adequate toilet and wash up facilities must be provided on the premises for use by the children, in line with requirements as set out in the Children's Act.
  - (b) For centres catering for toddlers, junior type toilets and washbasins should be provided where appropriate.
  - (c) Toilet and hand washing facilities must be accessible to the children.
  - (d) For children 0-3 years:
    - (i) Developmentally appropriate toilets are provided.
    - (ii) At least 1 (one) toilet is provided for every 20 children.
    - (iii) Where there are no sewerage systems in place, potties are provided.
    - (iv) At least 1 (one) potty is provided for every 5 (five) toddlers.
    - (v) Human excreta from potties to be disposed of hygienically in a toilet.
    - (vi) Potties are cleaned after every use and disinfected in a properly demarcated area.
    - (vii) A clearly demarcated nappy changing equipped with an easily cleanable surface and water-proof mattress in line with the Children's Act is provided, and this area is located away from the any food preparation area.
    - (viii) Proper hygiene practices are employed during diaper changing, to prevent the faecal contamination of the immediate environment in the changing area, as well as to prevent transmission of faecal oral infections, these hygiene practices include the following:
      - (aa) Covering all faeces/urine on diaper.
      - (bb) Disposal of faeces or urine in a toilet.
      - (cc) Covering of the nappy and placing it in a refuse bin with a closed lid.
      - (dd) Disinfection of changing area.
      - (ee) Wiping of babies' hands; and
      - (ff) Washing of hands with soap and water (caregiver)
  - (e) For children 3-6 years –
    - (i) At least 1 (one) flushing toilet and at least 1 (one) hand wash basin must be provided for every 20 children on the premises.
    - (ii) A supply of cold and hot running portable water must be available at every wash-hand basin.
    - (iii) Where non waterborne toilets are available, Ventilated Improved Pit toilets are recommended.
    - (iv) The toilet facility must be available within 200m of the childcare facility.
    - (v) Pit toilets used are so structured as to be able to be used by children (reduced pots size and height), and doors openable on the outside.
    - (vi) The pit toilets must be maintained in good order and cleaned regularly to prevent the occurrence of offensive smells and attraction of flies; and
    - (vii) Children are not to use pit toilets if unaccompanied by a care giver.
  - (f) Toilet facilities are structurally safe and always kept in a clean and hygienic condition.
  - (g) Toilet facilities must be properly illuminated ventilated in line with the National Building Regulations and the Building Standards Act.
  - (h) Toilets are maintained in good order and in good repair and are always kept clean and free from offensive smells.
  - (i) Where no running water is available, the use of low-cost hand washing points should be made in various ways, including the following-
    - (i) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin);
    - (ii) a small tank (e.g., an oil drum) fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; an
    - (iii) a "tippy tap" made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.
  - (j) Children must be always educated on the importance of washing hands after visiting the toilet.

- (k) Separate toilets and hand wash facilities should be provided for staff members on the premises.
- (l) An adequate amount of toilet paper, soap and towel should be always available in the toilet facilities.

**10) Water supply requirements**

- (a) Where no running water is available, a minimum of 10-25 litres per person per day must be made available and stored hygienically on the premises for all uses.
- (b) Children must be encouraged to drink water during the day to prevent dehydration and interruptions in concentration.

**11) Designated milk preparation areas for children under 2(two) years: -**

- (a) Where bottle- or breast-fed children are accommodated on the premises, a designated area must be provided in the kitchen for the preparation and washing of feeding bottles and teats.
- (b) An adequate supply of portable running cold and hot water is available for washing of bottles and teat.
- (c) Cooling facilities are provided for the hygienic storage of milk bottle.
- (d) Storage facilities are available for storage of milk and other foods.
- (e) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, all bottles used for feeding of children must be sterilized.
- (f) Before sterilizing, used bottles, teats and caps must be thoroughly washed with clean soapy water to remove all traces of milk. The following methods of sterilization may be employed:
  - (i) Microwaving – Sterilizing using a microwave for approximately 90 seconds.
  - (ii) Boiling – If bottles are suitable for boiling, boil bottles in a pot with lid for approximately 10 minutes.
  - (iii) Cold water – Using of a sterilizing solution bleach dissolved in cold water, the solutions must be changed every 24 hours; or
  - (iv) Electric steam sterilizing – Use of steam sterilizers, sterilizes bottles in 8-12 minutes.
- (g) Refrigeration/Cooling facilities are provided for the hygienic storage of milk bottles that are prepared and stored before use. The temperature of the refrigerator is not higher than 50 C and is monitored daily.
- (h) Storage facilities are available for storage of milk and other foods.

**12) Storage facilities**

- (a) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, the following measures must be applied:
  - (i) Separate storage facilities must be provided for proper storage on the premises; and
  - (ii) Adequate storage space and/or facilities should be made available for storage of.
  - (iii) Personal belongings of each child.
  - (iv) Personal belongings for staff on the premises.
  - (v) Equipment such as children's prams, push-up chairs, cots and play and work tools, toys.
  - (vi) Cleaning material which may be unsafe, toxic, dangerous or hazardous materials.

**13) After Care Services**

- (a) Where after care services are provided on the premises, separate facilities are provided for that purpose.
- (b) After school centre may not be permitted on the same premises as day care centre unless separate facilities are provided, or unless conducted on different times.
- (c) An indoor play area of not less than 1.5m<sup>2</sup> free floor spaces is provided for each child in after care and an outdoor play area of not less than 2m<sup>2</sup> is provided for each child.
- (d) At least 1 (one) toilet and 1 (one) hand-wash facility are provided for every 20 children of part thereof on the premises and designated by sex.
- (e) An adequate supply of toilet paper and soap is provided in the toilet and hand wash facilities at all times.
- (f) Adequate tables and chairs are provided for use by the aftercare children.

**14) Medical care for children**

- (a) Adequate, timely and appropriate medical attention is provided in cases where children might require medical care, in line with the norms and standards as set out in Section 89 of the Children's Act.
- (b) For any child who becomes ill or has suffered an injury requiring medical attention, a care giver must:
  - (i) Immediately notify the parent or guardian of the child
  - (ii) Immediately call for medical assistance, if necessary.
  - (iii) Provide the necessary care and treatment for minor ailments in the sickbay area;
  - (iv) Immediately notify an EHP/relevant health authority in an event of the illness being suspected of being a communicable disease; and
  - (v) Only administer medicine to a child with the written consent of the parent or guardian, a medical journal must be kept in which details of any medicine administered to a child, including the quantities is recorded. The journal must be signed by any parent bringing along medication to be administered during the day to any child.

- (c) Availability and/or easy access of a telephone essential for notification of a parent or guardian where applicable and to summon medical assistance in accordance when required.
  - (d) It is a prerequisite that every child to attend pre-school to have completed basic immunization schedules for his/her age as determined by the National Expanded Programme on Immunization of the Department of Health.
  - (e) Children suspected or diagnosed an infectious or communicable disease are closely monitored and possibly the parents advised to exclude from attending childcare until it has been declared by a doctor that it is safe to do so
  - (f) Caregivers are trained in basic first aid
  - (g) Medical reports of each child must be kept on the premises, each record must contain.
    - (i) Information containing the child's general state of health and physical condition, including any allergies.
    - (ii) Any illnesses, including any communicable diseases, operations etc. that a child may have suffered in a specified period.
    - (iii) Immunization records; and
    - (iv) Details of allergies and any medical treatment that the child may be undergoing.
  - (h) A list of emergency telephone numbers which include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police must be available and easily accessible on the premises.
  - (i) Adequate provision is made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries.
  - (j) All areas and surfaces where a treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately.
  - (k) A management plan should be in place for exposure to HIV and Hepatitis B for any child or caregiver who may have been accidentally exposed to blood or bloody substances.
  - (l) Health care risk waste accumulated on the premises as a result of provision of medical care for children is safely packaged, labelled, stored and safely disposed off.
  - (m) A child showing signs of illness or condition that is suspected to be communicable may not be admitted to the regular childcare programme, until such time that a medical officer of health has certified that the condition may not pose any health risk to other children on the premises.
  - (n) Medicines, cleaning substances and any dangerous substances must be kept in locked spaces and kept out of reach of children.
  - (o) An approved, lockable, and adequately equipped first aid kit is available.
  - (p) The first aid kit must include, amongst other equipment must contain adhesive bandages; Sterile gauzes; Medical tape; scissors; a cardiopulmonary mouthpiece protector; Liquid soap; First aid instruction book; Disposable gloves.
- 15) Sick bay facilities**
- (a) A sickbay area for the treatment and care of a child who falls ill, who is injured during day care or who may be suffering from an illness that is suspected to be infectious is provided on the premises, in line with the requirements as set out in the Children's Act.
  - (b) The sick bay area:
    - (i) Must be properly ventilated and illuminated in line with the Building Regulations.
    - (ii) Must be equipped with an adequate supply of portable water and a wash up facilities (for washing of wounds, hand washing etc.).
    - (iii) Must be free from any offensive odours, fumes, vapours and gases.
    - (iv) May not be utilized for any other purpose, such as storage area for other things.
    - (v) Should not be accessible by other children at all times, especially when the child in the sick bay area is suffering or suspected to be suffering of an infectious disease.
- 16) Keeping of registers and records**
- (a) Registers, records and journals are kept for administrative control as per the requirements set out in the Regulations pertaining to the Children's Act.
- 17) Staffing requirements**
- (a) An adequate number of competent care givers must be available to supervise and care for children on the premises, in line with specifications set out in the Children's Act.
- 18) General hygiene requirements**
- (a) Playrooms are regularly cleaned to minimize dust and mould
  - (b) Solid waste is removed from playrooms daily.
  - (c) Wastewater is disposed off quickly and safely.
  - (d) The density of vectors in the premises is minimized by use of appropriate and effective methods of eliminating and preventing the breeding of vectors, in line with the specifications as set out in
  - (e) Basic environmental controls are in place and are the basis of a vector control strategy on the premises (disposal of waste, excreta, food hygiene, cutting of grass etc).
  - (f) Each child is provided with a face cloth which must be individually marked for that child's use and is individually hung on pegs or hooks, disposable towels may be utilized.

- (g) If cots or mattresses are used, the floor must be free from dirt, dampness or any liquid substances.
- (h) Individual sheets and covers are provided for each child and washed at least once a week, or more often, if necessary.
- (i) Mouth contact toys used for children under the age of 2 years are cleaned and sanitized daily, by scrubbing in warm and soapy water using a brush, rinsing with clean water, submerging in a sanitizing solution for at least 2 minutes and air dried.
- (j) Waste is kept out of reach of children at all times.

**19) Safety measures**

- (a) Strict safety measures must be in place for protection of children's welfare in line with the requirements as set out in the Children's Act.
- (b) Reasonable measures should be taken to safeguard the health, safety and welfare of pre-school children.
- (c) All heating appliances/heat emitting surfaces must be protected by a fix guard or must be thermostatically controlled to ensure safe surface temperatures.
- (d) Hot water must be thermostatically controlled to ensure safe temperatures.
- (e) Children must be protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury to the children on the premises.
- (f) The premises must be free from any noxious, poisonous or dangerous plants or shrubs.
- (g) No animals or birds are kept on the premises where a childcare centre is operated, except by written permission of the EHP after the necessary EH assessment has been completed.
- (h) No paddling pool, swimming pool or other related structure are permitted in any child care centre premises, except by written permission by the EHP (if a swimming pool has been allowed by the EHP, such swimming pool must be fenced off and be covered at all times); Ponds, pits and or other hazards in the garden or external play area should be fenced off to ensure safety of children.
- (i) Smoking is prohibited on the premises and "No smoking" signs must be installed strategically on the premises.
- (j) Dangerous objects, materials, sharp instruments and utensils are kept stored away and out of reach of children and dangerous substances are not used in the vicinity of children.
- (k) All open electrical plugs should be adequately covered.
- (l) Approved fire control equipment approved should be provided and maintained in good working order, in line with the relevant By-Laws of a specific Local Authority.
- (m) If children are transported to and from the childcare centre, care must be taken to ensure that:
  - (i) Children are supervised by at least one adult, apart from the driver during boarding and disembarkation.
  - (ii) Doors of the vehicle are child locked at all times during the transportation of children.
  - (iii) Children are not transported in the front seat or in the boot of any vehicle during transportation without proper supervision.
  - (iv) Children are not overloaded in any car; and
  - (v) The driver responsible for transporting the children, as well as the transportation utilized is permitted in terms of the requirements of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

**20) Sand Pits**

- (a) All sandpits are under shaded areas and the following measures are taken to ensure the hygienic maintenance of the sand pits: The sand pit must be:
  - (i) Covered at night to prevent contamination by animals, and other pests.
  - (ii) Properly constructed, well drained to keep it as dry as possible.
  - (iii) Raked once a week to remove dirt and rubbish and to air the sand.
  - (iv) Hosed with tap water at least once a week.
  - (v) Covered at all times when not in use.
  - (vi) Disinfected when obviously dirty and contaminated.
  - (vii) Disinfected by ranking sand through the sand.
  - (viii) Toys must be removed from the sand pit after each day; and
  - (ix) Changed at least annually.
- (b) If the sand is contaminated by animal or human faeces, blood or other body fluids, children must be removed from the sand pit and:
  - (i) Use of a watering can with mild detergent or household disinfectant diluted in water, over the sand to kill germs; or disinfect by ranking salt through the sand; or
  - (ii) The sand must be completely replaced if contaminated extensively.
- (c) Children must be supervised at all times when playing in the sand pit.
- (d) Only sand that is appropriate for use in sand pits is utilized.
- (e) Caregivers must ensure that children wash their hands every time after playing in the sand pit.

**21) After school facilities**

- (a) If after- school care services are provided for children of school-going age on the same premises as the child-care services, the following are provided:
- (b) Separate facilities must be provided for school going age children and for under school going age children.
- (c) An indoor care area of at least 1.5m<sup>2</sup> must be provided for each child.
- (d) At least 1 (one) toilet facility and 1 (one) hand-wash basin must be provided for every twenty (20) children or part thereof.
- (e) Toilet and hand wash facilities are separated by sex.
- (f) Adequate seating and tables are provided for each child.

**CHAPTER 22****STANDARDS FOR OLD AGE HOMES / HOMES FOR THE AGED****105. Requirements**

- 1) Old, aged homes must comply with the following Norms and Standards.
  - (a) Registration and Issue of Health Certificate for maternity home
  - (b) The premises should be operated in terms of a permit or registration by the relevant authority, authorizing that activity.
  - (c) The premises are complying with the requirements of the Older Persons Act, 2006 (Act No. 13 of 2006), as well as the Norms and Standards for acceptable levels of services to older persons and service standards for residential facilities, published by the Department of Social Development.
  - (d) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises comply with the Norms and Standards for Old Age Homes.
  - (e) The premises must promote the health and safety of residents or older persons.
  - (f) A health certificate issued by an EHP to the effect that the premises comply with EH requirements shall be issued and indicate the following:
    - (i) The details of the health certificate holder, owner/person in charge of the childcare center.
    - (ii) The physical address of the premises.
    - (iii) The identity number of the certificate holder.
    - (iv) A certificate number.
    - (v) Number of beds/patients that can be accommodated on the premises; (vi) Services offered on the premises; (vii) Prohibitions applicable:
    - (vi) Date of issue; and the validity period (one calendar year from the date of issue).
  - (g) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.
  - (h) A health certificate shall not be transferable from one owner to another, or from one premises to another.
  - (i) Health certificates must be renewed by an EHP:
  - (j) Annually.
    - (i) In case of change of ownership.
    - (ii) In the case of renovations/additions to the existing premises; and (iv) If the services move from one premises to another.
- 2) **Structural and physical facilities**
  - (a) Walls the of premises should be constructed of brick, stone, concrete or other impervious material, plastered and brought to a smooth finish; and covered with a light-coloured paint, adequate plastic finish or other approved material.
  - (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
  - (c) Ceilings must be constructed so as not to attract dust and in the case of operating theatres, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth and washable surface.
  - (d) Rooms should be adequately and individually ventilated and illuminated.
  - (e) All windows in the rooms should be adequately protected or guarded to ensure the safety of service users.
  - (f) Heating facilities that are likely to emit offensive and harmful gases, fumes and odours are not allowed.
  - (g) Proper signage must be available on the premises.
- 3) **Accommodation requirements**
  - (a) Suitable accommodation must be provided for each service user on the premises in line with the requirements of the Older Persons Act, 2006 (Act No.13 of 2006) which meets minimum space as follows:



- (i) Single rooms must have a floor space of at least 9m<sup>2</sup> and double rooms with a floor space of 16m<sup>2</sup> for people sharing (double room).
  - (ii) Forward type accommodation, a floor space of at least 7.5m<sup>2</sup> must be provided for every service user accommodated in the ward.
  - (iii) Forward-type accommodation, an unobstructed space of at least 1.2m<sup>2</sup> should be maintained between beds, to enable movement of carers and equipment.
  - (iv) Single rooms accommodating wheelchair users must have at least 12m<sup>2</sup> usable floor space.
  - (v) The rooms and wards must be cleaned daily and kept hygienic and free from offensive odours.
  - (vi) For frail care patients, a maximum of 4 (four) beds should be placed per room, with a floor space of 7.5m<sup>2</sup> per bed.
- 4) **Dining areas, lounges/sun porches and corridors/passages/ staircases**
- (a) The dining area must have a minimum floor space of at least 1.2m<sup>2</sup> for every service user.
  - (b) The lounge area or sun porches area have a minimum floor space of at least 1.5m<sup>2</sup> for every service user.
  - (c) All floor surfaces must be equipped with a non-slip surface, and all carpets, mats and other loose coverings should be suitably and securely secured to the floors and adequately illuminated.
  - (d) Corridors area of least 1.8m wide must be provided with a hand railing along the length of at least one wall.
  - (e) All corridors, staircases, steps and ramps must be adequately eliminated and fitted with effective ramps.
- 5) **Toilet and ablution facilities**
- (a) Adequate and accessible toilet, bathing and washing facilities must be provided to meet the needs of service users in line with the Older Persons Act, 2006 ( Act No. 13 of 2006).
  - (b) At least 1 (one) toilet and one bath should be provided for at least every 8 (eight) service users on the premises **ratio 1:8**. Where suitably adapted en-suite toilet and bathing/shower are provided in the user's rooms, these rooms can be excluded from the calculation. The toilet facilities should be designed for use by one person at a time.
  - (c) Each service user must have access to toilet facility within close proximity of his/her private accommodation or where they are cared for.
  - (d) Additional toilet facilities must be provided, accessible and clearly marked next to the lounge and dining areas for use by service users.
  - (e) In calculating the number of toilets, no account must be taken of any toilet contained in a bathroom.
  - (f) Every toilet should be equipped with an adequate flushing system and all toilets, bathrooms or showers should be maintained in good working order.
  - (g) All toilets must be kept clean at all times; floors scrubbed, and bowl cleaned and disinfected daily.
  - (h) Adequate and accessible toilet, wash-up and bath facilities should be provided for staff members employed on the premises.
  - (i) All bathrooms must be fitted with porcelain, enamel or cast-iron enamel baths with a constant supply of cold and hot running portable water.
  - (j) Walls of the toilet facilities should be constructed of a smooth surface and be light coloured.
  - (k) Toilet facilities must be adequately illuminated and ventilated.
  - (l) Separate toilet facilities and hand wash basin should be provided on the premises, for visitors.
  - (m) Every toilet facility must be equipped with an adequate flushing system and should be maintained in proper working condition.
  - (n) Bathrooms and toilets must all be designated for each sex.
  - (o) The toilet areas should be adequately illuminated and ventilated.
  - (p) The bathroom complex must be painted with a light-coloured durable, washable paint.
  - (q) Floors should be covered with a non-slip, non-shining surface.
- 6) **Staff facilities**
- (a) Workstation for staff members must be equipped with hand wash basins, with a supply of cold and hot running water to prevent cross infection.
  - (b) Separate toilet facilities must be provided for staff members on the premises.
  - (c) Separate residential accommodation should be provided for staff required to reside on the premises.
  - (d) Adequate sleeping accommodation, toilet and hand wash facilities must be provided for the residential or domestic staff.
  - (e) Separate bathrooms and toilets must be provided for domestic and residential staff. The bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running water.



- (f) At least 1 (one) toilet should be provided for every 12 (twelve) members of staff, **ratio 1:12**.
  - (g) At least 1 (one) bathroom or shower is provided for every 12 members of staff, **ratio 1:12**.
  - (h) In calculating the number of toilets for staff members, no account must be taken of any toilet contain in a bathroom.
  - (i) Every toilet facility must be equipped with an adequate flushing system and maintained in proper working condition.
  - (j) The bathrooms and toilets must be designated for each sex.
- 7) **Examination rooms**
- (a) A hand wash basin with a supply of cold and hot running water should be available in all examination rooms.
  - (b) Floors should be constructed of a non-slippery floor to prevent accidental slipping.
  - (c) Walls must be painted with a light-coloured washable paint.
  - (d) The room must be adequately equipped for first aid for emergency situations.
- 8) **Sluice rooms**
- (a) Sluice rooms must have a minimum floor area of 7.5m<sup>2</sup> and a minimum width of 2.5m. (b) The sluice room must be well ventilated and illuminated.
  - (b) The rooms must be equipped with impervious shelves.
  - (c) The rooms must be equipped with hand wash basin for washing of hands by staff and hot and cold running water as well as a combination of a hopper sink with a wash facility for bedpans/urinals.
  - (d) The wall area behind the slop hopper sinks and hand wash basins should be equipped with a back splash plate or should be tiled, to facilitate easy cleaning.
  - (e) Floors must be constructed of an easy cleanable surface.
  - (f) Separate storage space should be provided for urinalysis testing.
- 9) **Storage facilities**
- (a) Adequate storage facilities must be provided for:
    - (i) Storage of medicines and drugs and such facilities and should be kept locked at all times except when medicines or drugs are being removed or returned to it,
    - (ii) Storage of poisons, habit-forming drugs, and potentially dangerous drugs.
    - (iii) Storage room must contain adequate moveable shelving made of impervious material.
  - (b) Every shelf in a storeroom should be a minimum height of 225 mm above the floor.
  - (c) All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
  - (d) Individual lockable cupboards should be available for storage of each resident's personal items.
  - (e) Adequate storage facilities must be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances of exits to the premises.
- 10) **General Requirements**
- (a) Measures should be taken for infection control and to prevent spread of infection and communicable diseases.
  - (b) All areas of the premises should be maintained in good condition, including the kitchen equipment, laundry machinery; outdoor steps, pathways; gardening equipment to ensure a safe environment for the service users.
  - (c) Separate residential accommodation should be provided for staff required to reside on the premises.
  - (d) Adequate accommodation for the administrative purposes must be provided on the premises.
  - (e) Adequate storage facilities for articles that are reasonably necessary to store on the premises for the day to day running of the nursing home should be provided.
  - (f) A fire escape, the stairs of which are a minimum of 1m wide with landings at each turning point, measuring a minimum of 2.2m by 1.7m should be affixed on the premises.
  - (g) Firefighting and control equipment, approved by the relevant authority of the relevant local authority must be provided and maintained on the premises.
  - (h) An emergency stand-by electrical plant is provided which is adequate to provide an immediate alternative supply of electricity to any part of the old age home to ensure the continued operation, throughout the period of the of the failure of all electrically operated appliances and equipment which, in the opinion of an EHP of any relevant professional, are or may be lifesaving.
  - (i) Appropriate first aid emergency equipment should be available on the premises.
  - (j) A vector control program must be in place on the premises (in line with requirements as set out in Section 18 of this norms and standard.
  - (k) Landry area should be available for laundering of linen or other soiled articles on the premises and facilities used in connection with laundering of linen on the premises are compliant with the requirements as set out in section 18 of this document.

- (l) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided on the premises.
- (m) If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry by a qualified or registered service provider.

## **CHAPTER 23 SCHOOL PREMISES**

### **106. Requirements**

#### **1) Issue of a Health Certificate**

- (a) The premises must comply with the requirements of the Children's Act with regards to care for children.
- (b) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises and general facilities comply with EH Norms and Standards for school premises.
- (c) The premises should promote the health and safety of students/children.
- (d) A valid health certificate must be issued by an EHP certifying that the premises comply with EH requirements. The certificate must indicate the following information:
  - (i) The name of the school.
  - (ii) The physical address of the premises.
  - (iii) Name and identity number of the owner or person in charge.
  - (iv) Number of children to be accommodated at the school.
  - (v) Date of issue; and
  - (vi) The validity period (one calendar year from the date of issue).
  - (vii) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the school premise.
- (e) A health certificate is not transferable from one owner to another, or from one school premises to another.
- (f) Health certificates must be renewed by an authorised official:
- (h) Every 2 (two) years.
  - (i) In case of change of ownership.
  - (ii) In the case of renovations/additions to the existing premises; and
  - (iii) If the school moves from one premises to another.

#### **2) Structural facilities**

- (a) Walls should be constructed of brick, stone, concrete or other impervious material and must:
  - (i) Be plastered and brought to a smooth finish; and
  - (ii) Be covered with a light-coloured paint.
- (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
- (c) Ceilings should be constructed so as not to attract dust and in the case of operating theaters, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth, and washable surface.
- (d) Classrooms must be adequately ventilated and illuminated in compliance to the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (e) The school premises should be equipped with outdoor shaded areas to prevent children from being exposed to excessive heat/sun exposure during play time. The planting of trees around the premises is encouraged.
- (f) Adequate floor space of at least 1.5-2 m<sup>2</sup> per child should be available per classroom.
- (g) The school premises should be enclosed with an approved means of enclosure, such as a fence, bricks or other approved material.
- (h) Entrance and exit should be controlled so as to prevent unauthorized entry to the school premises.
- (i) An outdoor play area/yard should be available for outdoor activities on the school premises.

#### **3) Toilet and ablution facilities**

- (a) Adequate toilet and wash up facilities that meet the needs of pupils and staff members should be available on the school premises.
- (b) At least 1 (one) toilet facility should be available for every 25 children ratio 1:25, and in addition at least 1 (one) urinal is available for every 50 boy's ratio 1:50.
- (c) The school toilet facilities should be equipped with an adequate flushing system and running water.
- (d) At least 1 (one) hand wash basin should be available for every 25 (twenty) children ratio 1:25 on the school premises, equipped with a constant supply of running water.
- (e) Hand wash basins should be located in or immediately adjacent to the toilets.

- (f) If non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended.
- (g) If pit toilets are used, the design of the pit toilets should be constructed in such a manner as not to cause harm or injury to the children.
- (h) Pit toilets should be so structured as to be able to be used by small children (reduced pots size and height), and doors should be open-able on the outside.
- (i) The pit toilets should be maintained in good order and cleaned regularly to prevent smells and flies going in and out of the toilet facilities.
- (j) Young children should not use pit toilet unaccompanied.
- (k) Children must be educated on hand washing after visiting the toilet.
- (l) Separate toilets and hand wash facilities must be provided for staff members on the premises. Toilet and washing facilities for staff may also open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin should be provided for every twelve staff members on the premises ratio 1:12.
- (m) Staff toilets should be separated by gender.
- (n) Toilet facilities must be properly illuminated and ventilated in compliance with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (o) Toilets should be easily accessible to all, including staff and children with disabilities - no more than 30 m from all users. Male and female toilets should be completely separated.
- (p) Toilets must provide privacy and security.
- (q) Toilet facilities should be kept unlocked at all times during school hours.
- (r) Toilets must be cleaned daily and wherever dirty, with a disinfectant being used on all exposed surfaces. A cleaning and maintenance plan should be in place for cleaning and maintenance of all toilets.
- (s) All toilets' facilities should be designated/ separated by gender.
- (t) An adequate supply of soap and toilet paper should be maintained in the toilet facilities at all times.

**4) Washroom facilities boarders/residential pupils and staff.**

- (a) Facilities for bathing and showering should be provided on the premises for residential students and staff on the premise.
- (b) Water closets and/or hand wash basins, baths and/showers should be provided and easily accessible to the sleeping accommodation.
- (c) All wash up facilities should be separately provided for male and female boarders.
- (d) At least 1 (one) bath/shower and should be provided for every twenty pupils or staff members on the premises ratio 1:20 and or at least 1 (one) shower is available for every 20 pupils or staff member.
- (e) Wash-up facilities should be separated for pupils and staff, and separate wash-up facilities should be available for boys and for girls. At least one shower should be accessible for females with disabilities and one for males with disabilities.
- (f) A supply of cold and hot running water should be available in the washroom.
- (g) If no running water is available on the premises, a minimum of 25 (twenty) Liters per person per day for all residential school children and staff should be available and kept and stored hygienically on the premises for all drinking, personal hygiene, food preparation, cleaning and laundry.
- (h) Drinking water must be adequately stored and protected against contamination by flies, dust or animals.

**5) Water supply**

- (a) A reliable water point, with soap or a suitable alternative, must be available at all the critical points within the school, particularly in toilets and kitchen.
- (b) A reliable drinking-water access points should be accessible by staff and school children, including those with disabilities, always.
- (c) If no running water is available on the premises, a minimum of 5 Liters per person per day for non-residential children and staff must be kept and stored hygienically on the premises for all purposes (drinking, personal hygiene/hand washing and cleaning. For boarding schools, a minimum of 20 liters per person per day for all residential school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.
- (d) Hand washing is encouraged in children. Simple and low-cost hand washing points can be made in various ways, are utilised for areas with no running water:
- (e) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin);
  - (i) a small tank (e.g., an oil drum) fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; an
  - (ii) a "tippy tap" made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.

**6) Accommodation for pupils and staff members at boarding schools**

- (a) Adequate sleeping, living and accommodation facilities must be provided for boarders and should comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), with regards to ventilation and lighting.
- (b) Separate sleeping accommodation must be provided for residential male and female pupils.
- (c) Separate sleeping and living accommodation should be provided for staff on the premises.
- (d) For dormitories, a floor space of not less than 4.2 m<sup>2</sup> must be provided for each pupil with a distance of at least 0.9 m maintained between each bed.
- (e) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m<sup>2</sup>; must be provided.
- (f) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m<sup>2</sup>.
- (g) Sleeping accommodation must be kept clean and in good repair.
- (h) A floor space of not less than 2.3 m<sup>2</sup> should be available in all living accommodation for each pupil and staff on the premises.
- (i) Adequate storage facilities must be provided for the storage of personal belongings of residential pupils and staff, which may include a lockable locker.
- (j) Storage facilities should be provided for the storage of linen.

**7) Sick Bay facilities**

- (a) An adequate and equipped sick room must be provided for isolation of sick pupils on the premises in line with the requirements of the Children's Act.
- (b) One more room should be available to be utilized as sick bays for the isolation of any pupil that may fall ill. The office may be utilized for this purpose.
- (c) The area must be provided/ equipped with a hand wash basin with a supply of running water.
- (d) An approved, lockable and adequately equipped first aid kit should be made available in the sick bay area for treatment of minor injuries or illnesses.
- (e) The first aid kit must include, amongst other equipment must contain adhesive bandages; Sterile gauzes; Medical tape; scissors; a cardiopulmonary mouthpiece protector; Liquid soap; First aid instruction book; Disposable glove.
- (f) The sickbay must be equipped with a bed or waterproofness.
- (g) Proper supervision should be provided at all times for a pupil placed in the sick bay.

**8) Medical care for pupils and students**

- (a) Adequate, timely and appropriate medical attention must be provided for pupils requiring medical care on the school premises (in line with the requirements of the Children's Act).
- (b) For any pupil who becomes ill or has suffered an injury requiring medical attention, the school:
  - (i) Immediately assess the injury/illness and if minor and provide the necessary care and treatment for minor ailments in the sickbay area.
  - (ii) Call for medical assistance, if necessary; and notify the parent/guardian of the pupil.
  - (iii) Immediately notify an EHP/ relevant health authority in an event of the illness being suspected of being a communicable disease.
- (c) A telephone should be available on the school premises for notification of a parent or guardian where applicable and to summon medical assistance in accordance with paragraph b(ii).
- (d) Pupils suspected of suffering from a communicable disease must be excluded from attending preschool if in the opinion of an EHP or relevant health professional, the person poses a health risk to other pupils and is capable of communicating the disease.
- (e) A list of emergency telephone numbers which must include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police should be made available and easily accessible on the premises.
- (f) Adequate provision should be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries; all health care risk waste must be handled and disposed off safely
- (g) All areas and surfaces where treatment of a child or caregiver for an illness of injury has taken place must be disinfected immediately.
- (h) The adequate training of care givers on basic first aid is recommended.

**9) Vector control**

- (a) The density of vectors in the school must be minimized.
- (b) School children and staff must be protected from potentially disease-transmitting vectors.
- (c) Vectors should be prevented from contact with school children and staff or substances infected with related vector-borne diseases.
- (d) Basic environmental control methods- such as proper disposal of excreta, food hygiene, drainage, solid-waste disposal, and routine cutting back of vegetation - should be the basis of any strategy.

- (e) Mosquitoes and flies should effectively be excluded from buildings by covering opening windows with flyscreen and fitting self-closing doors to the outside. The use of chemical controls, such as residual insecticide spraying, in and around the school must be conducted in accordance with the specification as set out in Chapter 3 of this Norms and Standards
- (f) Students and staff with vector-borne diseases such as malaria and typhus should be identified and treated rapidly. They should not attend school during the infectious period so that the related vectors do not transmit the disease from them to other people in the school.
- (g) Regular inspections are carried out to detect and treat body lice and fleas.
- (h) The school premises and, to the extent possible, the immediate surroundings of the school, must be kept free of faecal material to prevent flies and other mechanical vectors from carrying pathogens.

**10) General requirement**

- (a) Reasonable measures must be taken to safeguard the health, safety and welfare of pupils on the school premises.
- (b) Pupils and staff must adequately be protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury on the premise.
- (c) Medicines, detergents, pesticides, and other harmful substances should be stored in lockable places and access be given to employees responsible for utilizing such materials only.
- (d) The school premises must be kept clean at all times. The outside and inside areas should be free from sharp object.
- (e) Wastewater must be disposed of quickly and safely. Wastewater disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the Local Authority concerned.

## **CHAPTER 24 HEALTH ESTABLISHMENTS**

**107. Requirements**

3) Health establishments must comply with the following EH norms and standards:

**(a) Physical and structural facilities; -**

- (i) Internal walls must be constructed of an impervious material brought to a smooth finish and easily cleanable and painted with a light-coloured paint.
- (ii) Ceilings must be constructed of a dust proof material, smoothly finished and painted with a light-coloured washable paint.
- (iii) Floor surfaces must be constructed of impervious material, brought to a smooth finish and properly drained.
- (iv) The locality of all facilities, including lifts, fire escapes, and entrances exits should be clearly marked for convenience of patients, staff and visitors.
- (v) Facilities for patients and other visitors must be adapted to accommodate physically disabled persons.
- (vi) Consultation rooms should be provided separately from waiting rooms to facilitate privacy for consultation purposes.
- (vii) The use of equipment, material or substances by workers must be in line with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (viii) The premises must comply with the requirements of the National Environmental Management: Waste Act, 2004 (Act No. 39 of 2004), as well as relevant By-Laws of the local authority concerned with regards to the management of general waste on the premises.
- (ix) The use of boilers on the premises must comply with the requirements of the National Environmental Management: Air Quality Act with regards to emissions into the atmosphere.

**4) Drinking water quality**

- (a) In case a health facility/hospital has additional building-specific sources of water used to augment the external supply, or have specific purposes that increase potential risk, hospitals a risk management plan is in place.
- (b) Water must be continuously tested for fitness of consumption. Where on-site water storage facilities are utilized, the storage capacity should be sufficient for 24 hours
- (c) Water storage facilities e.g. reservoirs and tanks should be adequately protected from contamination
- (d) Designated health facility staff monitors continuously the water in reservoirs and tanks for compliance and possible pollution activities. The water in the storage facilities must be tested for compliance and fitness for consumption.
- (e) Water source e.g. borehole, should be effectively protected from contamination



- (f) If non-compliance is identified when testing of the water, the possible source of contamination must be traced. The possible source of contamination must then be monitored as part of a risk management approach to ensure effectiveness of intervention.
- (g) To prevent organisms that grows in temperatures between 250 C and 500 hot water temperatures especially must be kept above 500 C and cold water below 200 C.
- (h) The water supply system that includes the sources (if applicable), pumps, purification plant, taps, pipes, storage facilities and the distribution network linked to health facilities should be maintained in good working order.
- (i) Taps and pipes containing water not fit for human consumption are clearly marked as such.
- (j) The necessary chemicals must be available continuously for water purification, where purification is undertaken by the health facility
- (k) Designated staff must be available for regular monitoring of the water system in the health facility. Water quality monitoring records must be kept and made available to an EHP on request.
- (l) If water is stored in a temporary water storage tank on the premises, the following standards are applicable with regards to water storage tanks:
  - (i) Portable water tanks should be constructed of a rust-free and durable material that is suitable and safe for portable water storage to prevent the contamination of water;
  - (ii) Tanks should be designed so as to prevent contamination of the water by insects, flies, animals and human contact;
  - (iii) Cold water storage tanks must be located in an appropriate area such that the water is not exposed to the excessive sun to prevent the water from reaching temperatures above 250 C.
  - (iv) Water in tanks should constantly be sampled to ensure proper levels of residual chlorine and other bacteriological and chemical parameters to ensure fitness for consumption.
  - (v) Residual chlorine should be maintained in water kept in storage tanks.
  - (vi) The design of the tanks must be such that it allows sampling to be conducted and tests to be taken to verify water quality. They must also be made of material that allows disinfection and contact with flames for sterilizing, in the case where a tap must be flamed before a sample is taken.
  - (vii) Portable water storage tanks and any part of the portable water distribution system should be cleaned, flushed with portable water and disinfected to prevent contamination of the water.

**5) Toilet and ablution facilities**

- (a) Adequate toilet and wash up facilities should be provided for patients and staff on the premises. At least 1(one) toilet is provided for every 12-15 (twelve to fifteen) in-patients, and 1 (one) hand wash basin, and 1 (one) bath or shower is provided for every 12-15 (twelve to fifteen) in-patient.
- (b) Separate toilet and hand washing facilities must be provided for staff on the premises.
- (c) At least 1 (one) toilet facility and 1 (one) handsaw basin should be provided for every 50 out-patients.
- (d) Staff required to sleep on the premises must be provided adequate wash up facilities. At least 1 (one) bath or shower must be provided for every 15 (fifteen) members of staff on the premises.
- (e) Floors of walls of the toilet facilities must be constructed of a smooth and easily cleanable material.
- (f) All toilet facilities on the premises must be kept clean and in good repair at all times.
- (g) All hand wash facilities should be supplied with a constant supply of portable running water.
- (h) An adequate and constant supply of soap, toilet paper and towel must be maintained in all toilet and hand wash facilities at all times.

**6) Storage facilities**

- (a) Storage facilities should be provided for the storage for medicines and drugs and such facilities are kept locked at all times except when medicines or drugs are being removed or returned to it.
- (b) Additional storage facilities should be provided for the storage of cleaning equipment, pesticides and other potentially dangerous hazardous substances.
- (c) Storage rooms must contain adequate moveable shelving made of impervious material.
- (d) Every shelf in any storeroom should be of a minimum height of 225 mm above the floor.
- (e) All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
- (f) Hazardous substances must be stored and disposed of in a safe manner, separate from other non-hazardous materials.
- (g) Expired medicines should be stored separately and must be disposed of in a safe manner.
- (h) Adequate storage facilities should be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances of exits to the premises.



- (i) Adequate storage facilities for articles that are reasonably necessary to store on the premises for the day to day running of the nursing home must be provided.
- (j) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided.
- (k) If five or more persons are employed, separate change-rooms must be provided for male and female staff members, equipped with storage facilities or lockers for personal belongings of each worker.
- (l) Food and non-food items should be stored separately from any other items; refrigerators used for storage of medicines are not at any time used for storage of any foodstuffs.
- (m) Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment should be provided.
- (n) The storage and dispensing of medicines must comply with the requirements of the relevant legislation.
- (o) Refrigeration facilities used for storage of hazardous waste or infectious material must be marked as such and should be used to store any other item except for the designed purpose.

**7) Reception of dead bodies on the premises**

- (a) All facilities used in connection with the handling, preparation, storage and transportation of dead bodies on the premises and the requirements with regards to the operation of premises for the management of Human Remains must comply with the requirements of the Regulations relating to the Management of Human Remains, R363 of 22 May 2013 published in terms of the National Health Act, 2003 (Act 61 of 2003), as amended.
- (b) Suitable trained staff should be available and responsible for duties in the mortuary and ensure that the Hygiene Standards are adhered to.
- (c) A cleaning program for the mortuary should be in place. A register and records must be kept and maintained of the information regarding the handling of corpses; including the record of refrigeration facilities and temperatures must be taken daily.
- (d) The infection control staff member should regularly monitor whether the policy regarding the handling of corpses is followed and whether the mortuary is operated in an acceptable manner and in consideration of the Norms and Standards document.
- (e) Adequate protective clothing (comprising of waterproof aprons, light coloured overalls and protective gloves) should be provided and utilized for employees working in the mortuary.
- (f) Approved methods of waste collection, storage, transportation and disposal should be adopted for the handling of infectious waste in the mortuary, in compliance to the SANS 10248.

**8) Laundry facilities**

- (a) The health establishment facility must have access to a well manage laundry facilities for the effective laundering of linen, for controlling of infection; and avoiding contamination on the premise.
- (b) Internal walls should be constructed of an easily cleanable material, brought to a smooth finish and painted with a light-coloured paint.
- (c) Floors should be brought to a smooth finish and are easily cleanable.
- (d) Ceilings should be constructed of a dust proof material.
- (e) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (f) Drainage systems should be available and designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (g) Areas receiving soiled linen must be separated from areas handling clean linen.
- (h) Adequate ablution and toilet facilities must be provided, including an emergency shower or eye-wash facility in the washroom where chemicals are handled.
- (i) Suitable and hazard-free storage facilities for storage of chemicals should be provided.
- (j) The capacity and the condition of the equipment used for laundering must meet the hospitals laundering requirements.
- (k) Vehicles, containers, trolleys or other manually operated equipment for the transporting of linen must conform to requirements to ensure contamination free conditions.
- (l) All dirty linen and hospital clothes regarded as infectious waste and must be stored only in the designated storage area and removed from wards, passages or any other place where patients are treated.

**9) Operational requirements**

- (a) A policy for the management of linen in a facility must be in place.
- (b) Adequate resources must be provided to ensure effective laundering of linen, including for proper maintenance of buildings and equipment.
- (c) A quality management system must be established incorporating:
  - (i) work instructions and procedures.
  - (ii) Process control procedures.

- (iii) Quality control procedures; and
  - (iv) Control of linen (clean/soiled) procedures.
  - (d) A procedure specifically for infection/contamination control must be made available to staff handling linen. The procedure should include control measures through differentiation between categories of soiled linen, i.e., of high-risk to normal soiled linen: containers must be colour coded in accordance with SANS 1024-1 (as amended):
    - (i) Category A (red bag) = high risk infection for immediate incineration
    - (ii) Category B (yellow bag) = sealed alginate bags of high-risk (blood/body fluids contaminated or sluiced) for direct loading into washing machines.
    - (iii) Category C (yellow bag/hazard label) = sealed hazardous material (chemical, anti-neoplastic drugs or radioisotopes) for direct loading into washing machines; and
    - (iv) Category D (white bag) = normal linen of no risk during handling.
  - (e) A clear policy on health and environmental protection must be documented and communicated to all laundry staff.
  - (f) A person designated as the laundry controller must ensure that the requirements regarding pollution, occupational and environmental hygiene are complied with, including appropriate action in respect of any risks associated with infection or other hazards.
  - (g) Procedures for the use of protective clothing and personal hygiene where staff is in contact with high-risk areas or linen should be documented to include precautionary measures.
  - (h) The laundry management/controller and other designated staff must be trained and must be competent on:
    - (i) carrying out their functions effectively.
    - (ii) handling hazardous goods in the laundry service.
    - (iii) following procedures (including first aid) with regard to prevention and control of infection.
    - (iv) using protective clothing and follow procedures for decontamination; and
    - (v) operating laundry machines in order to ensure optimum results including general safety procedures.
  - (i) Laundry staff must pass the appropriate medical examination at appointment followed by routine health monitoring as prescribed by occupational health and safety legislation.
- 10) **Record keeping**
- (a) Appropriate records of all activities that affect linen and quality must be kept on the premises.
  - (b) The laundry data control system must include a master list of documents to facilitate the location and revision of records or documents.
  - (c) The results of inspections/checks and quality control tests should be documented and may indicate the need for remedial action where necessary.
  - (d) Accurate records of stocks of chemicals, cleaning agents and detergents must be maintained.
  - (e) A full set of up-to-date materials safety data sheets for all washing or cleaning chemicals used in the laundry should be available in one location for staff that is likely to become involved in the control of an emergency situation.
  - (f) Operation and maintenance records of plant and equipment, including records of special precautions to ensure minimum risk of cross-infection of laundered items must be kept.
  - (g) Records of medical examinations, health monitoring and training of staff must be kept.
- 11) **Use of boilers and incinerators**
- (a) The premises must comply with the requirements of the National Environmental Air Quality Act, 2004 (Act No. 39 of 2004) with regards to the use of boilers and incinerators.
  - (b) The operation of boilers, incinerators and private sewage works on any premises must comply with the following requirements:
    - (i) Coal and fuel burning equipment such as boilers and incinerators must be operated effectively to minimize smoke, gas, odours, fly-ash or any other form of air pollution.
    - (ii) Only incinerators and boilers which conform to prescribed requirements must be used; and
    - (iii) Incinerators and boilers must be maintained in good working order to ensure pollution free performance.
  - (c) Incinerators and boilers should be monitored regularly to ensure effective operation in terms of permit conditions and the applicable local authority's by-laws.
  - (d) All necessary technical investigations should be conducted by the operators of incinerators and boilers to ensure that the coal and fuel burning equipment and other relevant disposal facilities are operated in accordance with the relevant permit requirements.
- 12) **General hygiene requirements**
- (a) The premises must be maintained clean, free from offensive odours, unsightly accumulation of debris, litter and miscellaneous waste at all time.
  - (b) Cleaning staff should be trained and competent on cleaning techniques and processes to be utilized for various areas in the health facility.

- (c) Cleaning material and detergent required to ensure a hygienic environment in the health facility must be available and properly stored at all times.
- (d) A cleaning schedule should be kept and maintained for cleaning of all areas in the facility.
- (e) Appropriate cleaning material and equipment should be available on the premises.

## CHAPTER 25 PRISONS, INCLUDING POLICE STATION HOLDING CELLS

### 108. Requirements

Prisons, including police station holding cells must comply with the following standards:

#### 1) Structural facilities

- (a) Walls must be constructed of an approved material, brought to a smooth finish and painted with a light-coloured paint.
- (b) Floors must be constructed of concrete, brought to a smooth finish and are easily cleanable.
- (c) Adequate floor space should be provided for each prisoner/inmate on the premises, with regards to cell accommodation to enable prisoners to move freely, and for sleeping purposes.
- (d) Holding cells should be kept clean at all times, free from debris, litter and other miscellaneous rubbish and be maintained in good repair.
- (e) Adequate storage facilities should be provided for the storage of personal belongings of each inmate.

#### 2) Toilet and ablution facilities

- (a) Adequate toilet, hand washing, and shower facilities should be provided on the premises for use by service users/inmates.
- (b) Toilet and wash-up facilities should be adequately illuminated and ventilated.
- (c) At least 1 (one) toilet facility and 1 (one) hand wash basin must be provided for every 20 (twenty) inmates on the premises; and at least 1(one) urinal must be provided for every 50 inmates on the premises.
- (d) At least 1 (one) shower should be provided for every 20 (twenty) inmates on the premises.
- (e) Toilet facilities should provide privacy and security.
- (f) Portable running hot and cold water should be available on wash-up facilities.
- (g) Floors and walls of the toilet and wash-up facilities must be constructed of an easily cleanable surface brought to a smooth finish.
- (h) Toilet facilities must be always kept clean, and provided with an adequate supply of toilet paper, soap and drying towels.
- (i) Toilet facilities should be always maintained in good working order and in good repair.

#### 3) Laundering facilities

- (a) Prisons must have access to a well-managed laundry facilities for the effective laundering of bedding and clothing for prisoners.
- (b) Surface finishes of walls, floors, ceilings, fittings, tables, and trolleys in the laundry should be smooth and easily cleanable.
- (c) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (d) Drainage systems should be designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (e) Areas receiving soiled linen must be separated from areas handling clean linen.
- (f) Adequate ablution and toilet facilities should be provided, including an emergency shower or eyewash facility in the washroom where chemicals are handled.
- (g) Suitable and hazard-free storage for chemicals used for laundering must be provided.
- (h) The capacity and the condition of the equipment used for washing should meet the prisons laundering requirements.

## CHAPTER 26 VACANT LAND

### 109. Requirements

Vacant land must comply with the following norms and standards:

#### 1) Physical environment

- (a) Vacant land must comply with the relevant by-laws of a specific Local Authority.
- (b) Always maintained clean, free from:
  - i. Accumulation of refuse, debris, including glass, paper, rags, tins, trash, ash, and coal, including dead animals.
  - ii. Overgrown weeds, trees, long grass, and existence of undergrowth, shrubs, or any poisonous plants.
  - iii. Accumulation of wrecked motor vehicles, chassis, engine, or other part of a motor vehicle which is unsightly and may pose a health nuisance.

- iv. Offensive smells; stagnant waters.
- v. Burning of refuse/waste material; and
- vi. Any conditions resulting in the breeding of flies, mosquitoes, or other insects and the harbourage of rodents and other vermin.

## **CHAPTER 27 OFFICE ACCOMMODATION**

### **110. Requirements**

Office building and accommodation must comply with the following norms and standards:

#### **1) Toilet and ablution facilities**

- (a) Adequate toilet and hand washing facilities must be available on the premises for use by employees, in line with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (b) At least 1 (one) toilet facility and 1 (one) hand wash basin should be provided for every 20 employees on the premises. 1(one) urinal should be provided for every 20 employees on the premises.
- (c) Portable running water should be provided at every hand wash basin.
- (d) Toilets facilities should be designated by sex.
- (e) Floors of the toilet facilities should be constructed of a smooth and easily cleanable surface.
- (f) Walls must be constructed of a smooth finish and painted with a light-coloured washable paint.
- (g) Toilet facilities must be properly illuminated and always ventilated and kept clean.
- (h) An adequate supply of toilet paper, soap and drying towels should be maintained in all toilet facilities.
- (i) Toilet facilities must be cleaned daily and always maintained in good working order and in good repair.

## **CHAPTER 28 HEALTH CARE WASTE**

### **111. Requirements**

- 1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- 2) Without limiting the generality of the duty in subsection (1), generators must:
  - (a) ensure that the generation of health care risk waste is minimized as far as possible at source.
  - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
  - (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles, and any other instrument which can cause cuts, punctures, or injections, are rigid and puncture resistant.
  - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act 1973, (Act No. 15 of 1973 as amended).
  - (e) ensure that health care waste is properly labelled to identify point of origin.
  - (f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste.
  - (g) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act 1993, (Act 85 of 1993 as amended).
  - (h) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
    - i. the name, address and contact telephone number of the generator.
    - ii. the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo, and
    - iii. the date on which the health care risk waste is removed from the premises of the generator.
  - (i) Prevent public access to health care risk waste containers which are in use.
  - (j) Store full health care risk waste containers in controlled, secure areas which are.
  - (k) reserved for the storage of health care risk waste.
  - (l) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of Section 9.2 of these By-laws as a transporter of health care risk waste.
  - (m) Ensure make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws of the District Municipality or any other applicable legislation.

- 3) Generators may apply to the relevant authority for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- 4) The relevant authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- 5) Generators may transport and dispose of health care risk waste generated on their premises, provided they do so in terms of this By-law; (6) Generators must:
  - (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by District Municipality.
  - (b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal.
  - (c) Provide copies of the record referred to in subsection (a) and the information in subsection (b) to District Municipality on a six-monthly basis or at any other frequency as may from time to time be prescribed by District Municipality.

**6) Duty of transporters**

- (a) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to an approved site at which it will be disposed of in a manner which poses no threat to human health or the environment.
- (b) Without limiting the generality of the duty referred to in subsection (1), transporters must:
- (c) not remove the health care risk waste from the containers in which the generator placed it.
- (d) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored.
- (e) transport the health care risk waste in vehicles which:
  - (i) comply with all applicable legislation as from time to time promulgated by National and Provincial Government or in the absence of such legislation.
  - (ii) are capable of containing the health care risk waste.
  - (iii) are designed to prevent spillage.
  - (iv) are constructed of materials which are easy to clean and to disinfect.
  - (v) are capable of being secured in order to prevent unauthorized access.
- (f) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 9.3.
- (g) Transporters may apply to the relevant authority for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (h) The relevant authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (i) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws.
- (j) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by the relevant authority and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

**7) Disposal of Health Care Risk Waste**

- (a) Health care risk waste may only be disposed of by a person.
- (b) Who holds a permit to operate a hazardous waste site in terms of section 20 of the National Environmental Management Act 1998 (Act 107 of 1998 as amended),
- (c) Who compiles to all the terms and conditions attached to such a permit.
- (d) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (e) Persons who dispose of health care risk waste must:
- (f) maintain an up-to-date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the district of all health care risk waste received and disposed of at the site.
- (g) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

**8) Duty to register.**



- (a) Every generator must register with the relevant authority within six (6) months of the coming into effect of these By-laws by completing and submitting a written notification to relevant authority in the format prescribed from time to time.
- (b) Every transporter must register with the relevant authority within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the relevant authority in the format prescribed from time to time.
- (c) Generators and transporters must notify the District of any changes to the information provided.

## **CHAPTER 29 HAZARDOUS WASTE**

### **112. Applicable legislation and other requirements**

#### **1) Applicable legislation**

The District Municipality, taking cognizance of the provisions of the National Environmental Management Act 1998, (Act 107 of 1998 as amended) the Hazardous Substances Act, 1973 (Act 15 of 1973 as amended), the National Health Act 2003, (Act 61 of 2003 as amended), and the regulations made under these Acts, adopts the provisions in this Chapter.

#### **2) Storage of hazardous waste**

An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –

- (a) must be stored in such a manner that –
  - (i) no pollution of the environment occurs at any time.
  - (ii) no health nuisance is created at any time.
- (b) while being stored on site, must be clearly marked or labelled with the words “Hazardous Waste”.
- (c) the owner or occupier of the land must fence off the storage area to prevent unauthorized access; and
- (d) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.

## **CHAPTER 30 CONSTRUCTION SITES AND INDUSTRIAL PREMISES**

### **113. Construction sites requirements**

- 1) Construction sites must comply with the following standards:

#### **2) Water supply and sanitation facilities:**

- (a) Adequate toilet facilities should be provided for use by construction workers. At least 1 (one) toilet and one hand wash basin is provided for every 20 employees on the premises (ratio 1:20). In addition, at least one urinal should be provided for every 40 males on site (ratio 1:40). If more than 200 employees are employed on the site, at least 1 (one) toilet and 1 (one) urinal must be provided for at least every 50 workers (ratio 1:50).
- (b) Wash-up facilities equipped with portable water should be provided for employees, especially employees engaged in the application of paints, coating, pesticides etc.
- (c) Toilet and washing facilities should always be maintained in a sanitary condition.

#### **3) Physical facilities:**

Whenever food is prepared and served on the premises, the facilities used for the preparation, handling, storage and serving of foodstuffs must comply with the requirements of the Regulations in terms Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act No 54 of 1972 as Amended)

#### **4) Waste management and wastewater:**

- a) Private sewage disposal works, or refuse (landfill) disposal sites managed must be operated effectively in accordance with prescribed legislation and health certificate conditions for operation of landfills and sewage works.
- b) Evaluations/monitoring must be included in the waste/pollution management plans and must be implemented per plans.
- c) Final effluent or sludge emanating from the sewage disposal works should be utilized in accordance with prescribed national guidelines to prevent soil and water pollution.
- d) The sewage drainage system must be maintained effectively to prevent blockages and spills that could give rise to environmental pollution.
- e) Staff responsible for the operation of boilers and waste disposal works or facilities should be well trained to operate the facilities effectively and pollution free.
- f) All necessary information concerning boiler and incinerator operations, as required by health certificate conditions and legislation should be recorded.
- g) Results of final sewage effluent of a sewage disposal sites should be recorded.



- h) Waste material and debris should be removed to a disposal area and re -usable material should be sorted and moved to a storage area at least once daily to prevent a hazardous condition arising.
- i) Waste generated should be disposed of at an approved landfill site and in accordance with the relevant by-laws of a Local Authority concerned.
- j) Rubbish, debris and other waste material from the demolition or construction of projects should be temporarily disposed of in a designated area on site and access to the area should be strictly controlled and disposed of at an approved waste facility.

## CHAPTER 31 PUBLIC GATHERING PLACES

### 114. Requirements

- 1) Public gathering places must comply with the following Environmental Health Standards:
  - (a) Waste management:
    - (i) The management of waste on the premises should comply with the relevant by-laws of a specific Local Authority and be regulated by the local authority.
    - (ii) Refuse bins should be provided at strategic points throughout the premises for collection of litter.
    - (iii) On-site management of waste should be available on the premises during events, for management of spillages and littering, to prevent a nuisance from occurring.
    - (iv) Arrangements should be in place between the event manager and the Local Authority, with regards to waste management during and after an event.
  - (b) Drinking water supply:
  - (c) In the case of events, water points should be available at strategic points throughout the premises.
    - (i) If water tankers are used during events, must comply with SANS 241
  - (d) Sanitation facilities:
  - (e) Adequate toilet and hand washing facilities should be provided for staff and for the public at the ratios depicted in Table 1 below:

**Table of sanitary facilities to be provided for a population of up to:**

	MALES			FEMALES	
	WC Pans	Urinals	Washbasins	WC Pans	Washbasins
50	1	1	1	2	1
100	1	2	1	3	2
150	1	3	1	5	3
250	2	4	2	7	4
500	3	7	3	12	6
1000	3	12	4	16	7
1500	4	15	5	20	

- (i) For a population, more than 1500 add 2 WC pans for every 500 persons or portion thereof.
  - (ii) For a population, more than 1500 add 1 Urinal for every 500 persons or portion thereof.
  - (iii) For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof.
  - (iv) For a population, more than 1500 add 1 WC pans for every 150 persons or portion thereof.
  - (v) For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof.
  - (vi) National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977)
  - (vii) Suitable, effective drainage and sewage disposal system should be in place on the premises.
- (f) **For short term events:**
- (i) If chemical closet toilets are used, an on-site maintenance team should be available on the premises for the duration of the event to ensure the prevention of blockages and leakages from creating a nuisance and health hazard from occurring; and
  - (ii) A site plan detailing the location and type of sanitary facilities to be used during events should be submitted to the Environmental Health Practitioner

**CHAPTER 32**  
**OPERATION AND MANAGEMENT OF DIKOMA SCHOOLS BY-LAWS**

**115. Application for operation and registration of initiation schools**

- 1) Any person who intends opening and operating an initiation school must submit a written application to the Municipality for the registration of the initiation school, provide that: -
- 2) any application received by a traditional authority, the South African Police Service or civic association is referred to the Municipality; and
- 3) any application received by the Municipality is referred to the traditional authority, the local police station of the South African Police Service and the civic association.
- 4) The Municipality must, upon receipt of an application referred to in subsection (1), issue the applicant with the consent forms as set out in Schedules 1 and 2 of these By-laws.
- 5) The consent forms referred to in subsection (2) must be completed and submitted to the Municipality at least 30 days prior to the commencement of the initiation school. No initiation school may commence until it has been approved by and registered with the Municipality.
- 6) The Environmental Health Practitioner must issue an applicant referred to in subsection (2) with a list of the minimum requirements that are to be met before a registration certificate can be issued in respect of the initiation school, which minimum requirements are set out in Schedule 3 to these Bylaws.
- 7) The Environmental Health Practitioner may, after conducting an inspection of the proposed initiation school, issue a registration certificate conditionally or unconditionally in respect of the initiation school.
- 8) Subject to the provisions of these By-laws, a registration certificate may be issued if the minimum requirements pertaining to water, shelter and sanitation have been met.
- 9) No person may carry out any activity pertaining to the operation and management of an initiation school unless the initiation school is registered with the Municipality and police station in the area.

**2) Permission to perform circumcisions.**

- (a) A circumcision may be performed at or in an initiation school if the consent of the Municipality and the MEC has been obtained in writing.
- (b) A traditional surgeon may perform a circumcision in or at an initiation school if he or she: -
  - (i) Medical fitness was previously subjected to a cultural initiation process; and
  - (ii) has been authorized in writing by the appropriate and recognized traditional leader to perform a circumcision as part of a cultural initiation process.

**3) Admission of an initiation school**

- (a) Any person who is 12 years of age or older may be admitted to an initiation school.
  - (i) If an initiate is under the age of 12 years, his or her parent or guardian must give consent in writing for the initiate to be circumcised, which consent must be given in the prescribed consent form as set out in schedule 1 to these Bylaws.
  - (ii) Any person under the age of 12 years who admits himself or herself to an initiation school without the consent of his or her parent or guardian must be detained temporarily and may not be circumcised until the local police officer in charge has been notified and has obtained the consent of the parent or guardian in writing.
  - (iii) Any person who is 18 years of age or older may be admitted voluntarily to an initiation school.
  - (iv) No person may abduct or kidnap any other person and take him or her to initiation school and have him/her admitted to the initiation school.
- (b) A person is guilty of a criminal offence and will be charged by a police officer if such person abducts or kidnaps another person and takes him or her to an initiation school and has him or her admitted to the initiation school.

**116. Closure of initiation schools**

- 1) Waterberg district municipality may close any initiation school that is or has been operating without being registered with the Municipality, the local police station, the civic association, or the traditional authority in the area, provided that the opinion of the traditional leader concerned is taken into consideration in respect of the closing of the initiation school.
- (a) In the event of the closure of an initiation school in terms of section (1), the initiates must be temporarily relocated to public Hospital or their place of choice as a form of intervention to accommodate their wishes.

**117. Establishment of initiation school advisory committee**

- 1) The COGHSTA must establish an initiation school advisory committee within its area of jurisdiction to deal with matters relating to the operation of initiation schools, including appeals and complaints in respect of the initiation schools.
- (a) The members of the initiation school advisory committee referred to in subsection (1) must previously have undergone a cultural initiation process. Such initiation school advisory committee must consist of at least: -
  - (i) one representative of the medical, nursing, environmental health or emergency medical services profession
  - (ii) One representative of the South African Police Service or metropolitan police of the Municipality.
  - (iii) One representative of the Traditional Healer's Association of South Africa.
  - (iv) One representative of the national Department of Education.
  - (v) One member of a traditional authority or a representative of such member.
  - (vi) One member of a civic association.
  - (vii) one person representing an association for the initiation school fraternity; and
  - (viii) one representative of a local hospital; COGHSTA

**118. Circumcision by traditional surgeons at initiation schools**

- (a) Prior to an initiate's circumcision, the traditional surgeon must obtain from the initiate a pre-medical examination certificate as set out in schedule 4 to these By-laws, which certificate must state clearly that the initiate is fit to be circumcised and has no medical condition that may cause unnecessary complications during or after the circumcision.
- (b) A traditional surgeon must take precautionary measures to ensure the speedy recovery of initiates after a circumcision.
- (c) A traditional surgeon must ensure that health standards are maintained at all times in respect of any circumcision.
- (d) A traditional surgeon must ensure that any instrument used for circumcising an initiate is not used on another initiate, provided that if an instrument is to be used on more than one initiate, the instrument is properly sterilized after each circumcision.

**119. Duration of initiation school**

- 1) An initiation school may be operated for a period not exceeding 10 days or any period not exceeding 10 days thereto as agreed.
  - (a) An initiation school must be operated during the official school holidays in accordance with the school calendar of the national Department of Education, provided that an initiation school may be operated outside the school holiday period if: -
  - (b) the initiates are not learners who attend formal education institutions; Or
  - (c) the initiates have obtained permission from the applicable school authority to attend the initiation school.

**120. Treatment of initiates**

- 1) No initiate may be subjected to any corporal punishment or unnecessary or undue physical suffering or punishment.
  - (a) A teacher or any other person may teach an initiate the language, idioms and poems of the initiation school, provided that no form of intimidation or interrogation is used to teach the initiate.
  - (b) No initiate may be refused any water or food to the extent that such refusal may result in the dehydration or starvation of the initiate.
  - (c) Adequate sanitary facilities must be provided for initiates.
  - (d) Initiates must be protected against extreme temperatures, especially cold temperatures during winter.
  - (e) Any initiate who appears to be developing septic wounds must be referred to a medical practitioner for further treatment.
  - (f) An initiation school must identify at least one medical practitioner and traditional health practitioner of its choice to assist it in referring to emergency cases.

**121. Cultural ethics and inspection of initiation schools**

- 1) The Municipality, the South African Police Service and, where necessary, the national Department of Education must identify one person or more people from the medical, nursing, environmental health, or police profession to make regular visits to initiation schools. Such person or people must be traditionally qualified.
  - (a) All initiation schools must be visited by health officers. A health officer must, during his or her visit to an initiation school, assess: -
    - (i) the general environmental hygiene and medical conditions in the initiation school; and
    - (ii) the general health of the initiates.

- 2) health officer must be fully informed about and be aware of the proceedings of initiation schools to any conflict which may arise.
- 3) A health officer or person or persons referred to in subsection (1) must refer any serious matter or problem identified during a visit contemplated in subsection (2) to the relevant authority or body for further action.

#### **122. Offences**

- 1) A person is guilty of an offence under these By-laws if he or she, in respect of an official of the Municipality duly authorized under these By-laws or by the Municipality to enter and inspect any initiation school: -
  - (a) denies the official entry to the initiation school or causes or health certificates any other person to deny the official entry.
  - (b) obstructs or hinders the official in the performance of the official's duties or causes or health certificates any other person to so obstruct or hinder the official.
  - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or health certificates any other person to refuse to give the official such information; or
  - (d) knowingly gives the official false or misleading information or causes or health certificates any other person to give the official such information.
- 2) person is guilty of an offence under these By-laws if he or she unlawfully prevents any other person from entering the premises of an initiations school.
- 3) A person is guilty of an offence under these By-laws if he or she fails or refuses to comply with any provision of these By-laws, or any requirement imposed by the Environmental Health Practitioner in terms of section 2.
- 4) A person who is guilty of an offence under these By-laws is liable on conviction to a fine not exceeding **R20 000.00**, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community services or such imprisonment. In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine not exceeding **R20 000.00**, to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

### **CHAPTER 33 APPOINTMENT, RESPONSIBILITY AND POWERS OF AN ENVIRONMENTAL HEALTH PRACTITIONER**

#### **123. Appointment of environmental health practitioner**

- 1) The municipality must only appoint an environmental health practitioner who is registered at the Health professionals Council of South Africa (HPCSA) who will be vested with the authority to exercise a power granted by and within the scope of the provisions of these By-laws.
- 2) In appointing an environmental health practitioner, the municipality must have regard to-
  - (a) a person's technical understanding and experience of matters related to environmental health; and
  - (b) any other factor that may be relevant to supervision and enforcement of these By-laws, whether technical or administrative.
- 3) An environmental health practitioner may be an employee of the municipality or a service provider of the municipality, and in the instance where an environmental health practitioner is an employee of a service provider, there may be no conflict of Interest between his or her duty as an environmental health practitioner and as an employee of the service provider.
- 4) Upon appointment the municipality must issue the environmental health practitioner with an identity card which must state the name and function of the environmental health practitioner, and which includes a photograph of him or her.
- 5) An environmental health, practitioner, acting within the powers vested in him or her by these By-laws or a specific environmental management Act must, on demand by a member of the local community, produce the identity card.

#### **124. Responsibility of EHP**

- 1) An environmental health practitioner, within his or her mandate –
  - (a) must monitor and enforce compliance with these By-laws.
  - (b) may investigate any act or omission which on reasonable suspicion may constitute –
    - (i) an offence in terms of these By-laws.
    - (ii) a breach of a provision of these By-laws; or
    - (iii) a breach of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws.

- 2) An environmental health practitioner –
  - (a) must exercise the powers referred to in subsection (1) –
    - (i) in accordance with any instructions issued by the municipality; and
    - (ii) subject to any limitations and procedures that may be prescribed; and
    - (iii) may be accompanied by an interpreter or any other person whose assistance may be reasonable required.

**125. General Powers:**

- 1) An environmental health practitioner may –
  - (a) require a person to disclose information, either orally or in writing, and either alone or in the presence of a witness, about any act or omission which, on reasonable suspicion, may constitute –
    - (i) an offence in terms of these By-laws.
    - (ii) a breach of a provision of these By-laws; or
    - (iii) a breach of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws.
    - (iv) question a person about or inspect any document, book, or record or any written or electronic information –
      - (v) which may be relevant for the purpose of paragraph (a); or
      - (vi) to which these By-laws relate.
  - (b) copy, or make extracts from any document, book, or record, or any written or electronic information, referred to in paragraph (b), or remove such document, book or record or written or electronic information to make copies or extracts.
    - (i) require a person to produce or deliver to a place specified by the environmental health practitioner, any document, book, or record or any written or electronic information referred to in paragraph (c) for inspection.
    - (ii) question a person about or inspect, and if necessary, remove, any specimen, article, substance, or other item which on reasonable suspicion may have been used in –
    - (iii) committing an offence in terms of these By-laws.
    - (iv) breaching a provision of these By-laws; or
    - (v) breaching a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws.
    - (vi) record information by any method, including by taking photographs or making videos.
    - (vii) demand the name, address, and identification number of any person who –
    - (viii) is reasonably suspected of having committed an offence in terms of these By-laws.
    - (ix) is reasonable believed to be able to give evidence relating to an offence in terms of these By-laws; or
    - (x) is reasonable suspected of having evidence that an offence in terms of these By-laws has been committed.
  - (c) commits an act in contravention of a provisions of these By-laws or of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws, to cease committing that act immediately or within a specified period; or
  - (d) fails to perform an act required by a provision of these By-laws, or by a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws, to perform that act immediately or within a specified period.
  - (e) dig or bore into the soil.
  - (f) take samples.
  - (g) seize and remove any item in respect of which, on reasonable suspicion, an offence in terms of these By-laws or a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws; has been or is being committed.
  - (h) carry out any other duty that may be prescribed in terms of these By-laws.

**2) An environmental health practitioner must –**

- (a) provide a receipt for –
  - (i) any document, book, record or written or electronic information removed in terms of subsection (1)(d); or
  - (ii) any specimen, article, substance or other item removed in terms of subsection (1)(f); and
- (b) return anything removed within a reasonable period.

**126. Powers to enter and search premises or land.**

- 1) An environmental health practitioner may, subject to subsection (3), enter and search any premises or land on reasonable suspicion, and provided the necessary warning has been given in terms of s (2) hereof.
  - (a) that an offence in terms of these By-laws has been or is being committed on, in or in respect of such premises or land.
    - (i) that a provision of these By-laws, or a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws has been or is being breached on, in or in respect of such premises or land; or
    - (ii) that a thing which may serve as evidence of such offence or breach is kept on or in such premises or land.
  - (b) Fair warning of at least 7 days in writing must be given to all owners or occupiers of land that there is an alleged infringement of these by-laws and giving them an opportunity to remedy this infringement within 7 days, failing which an environmental health practitioner will be entitled to exercise the powers specified herein. This warning need not be given in the event of a possible or real environmental emergency.
  - (c) An environmental health practitioner may –
    - (i) exercise on such premises or land any of the powers mentioned in section 65; or
    - (ii) be accompanied by assistants, vehicles, vessels, materials, equipment or things that are necessary for the purpose of –
    - (iii) gaining entry to or carrying out the search on such premises or land; or
    - (iv) exercising any of the powers referred to in paragraph (a).

**127. Offences relating to environmental health practitioner.**

- 1) A person commits an offence if he or she –
  - (a) hinders or interferes with an environmental health practitioner in the execution of that practitioner's official duties.
  - (b) falsely professes to be an environmental health practitioner, or the interpreter or assistant of such a practitioner.
  - (c) furnishes false or misleading information when complying with a request of an environmental health practitioner; or
  - (d) fails to comply with a request of an environmental health practitioner.

**CHAPTER 34  
ENFORCEMENT****128. Approval of measures and materials:**

- 1) The municipality may approve any object or material used or any measure taken in specified circumstances as being adequate to eliminate the risk of any environmental health hazard or environmental health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the municipality.
- 2) An object, material or measure referred to in subsection (1) may be approved by the municipality in –
  - (a) a health certificate; or
  - (b) guidelines prescribed by the municipality in terms of subsection (3).
- 3) The municipality may publish guidelines in the Provincial Gazette which describe –
  - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any environmental health hazard or environmental health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the municipality; and
  - (b) the circumstances in which taking these measures or using these materials or objects are acceptable to the municipality.

**129. Application for health certificate**

- 1) A person who wishes to obtain a health certificate must, before he or she undertakes the relevant activity, apply to the municipality in writing in a form stipulated by the municipality.
- 2) Before the municipality issues a health certificate, the environmental health practitioner-
  - (a) must inspect the relevant premises as soon as reasonably possible.
  - (b) must, where applicable, ensure that any persons in the vicinity of the premises have been consulted and have had an opportunity to make representations; and
  - (c) may request the applicant to provide any further information which the municipality may consider to be relevant to make a properly informed decision.



- 3) The municipality must keep a register which is open to public inspection at all reasonable hours, and which contains the following particulars in respect of an application for a health certificate that was approved:
  - (a) The application which was made to the municipality.
  - (b) the name and address of the applicant.
  - (c) the date of the application.
  - (d) the decision of the municipality.
  - (e) the prescribed fee that was paid; and
  - (f) the conditions contemplated for such a health certificate.

**130. General terms applicable to health certificates:**

- 1) A health certificate –
  - (a) is not transferable from one person to another.
  - (b) applies only to the premises specified in the health certificate; and
  - (c) must –
    - (i) specify the address and other relevant details regarding the location of the premises concerned.
    - (ii) describe the premises and activity concerned.
    - (iii) specify the terms and conditions, if any; and (iv) indicate when it expires.
- 2) The municipality may charge the applicant a prescribed fee for considering and granting the health certificate.
- 3) The municipality may refuse to consider an application until –
  - (a) it has been provided with the all the necessary information regarding such application and
  - (b) the prescribed fee, if any, has been paid.

**131. Suspension, cancellation, and amendment of health certificate:**

- 1) The municipality may, by written notice to the holder of a health certificate, suspend, amend, or cancel the health certificate.
- 2) The environmental health practitioner may suspend or cancel a health certificate – with immediate effect if –
  - (a) he or she reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
  - (b) the holder of the health certificate fails to comply with a compliance notice that states that the health certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
  - (c) after giving the holder a reasonable opportunity of making representations as to why the health certificate or exemption certificate should not be suspended or cancelled if –
    - (i) he or she reasonably believes that it is desirable to do so to eliminate or reduce the risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
    - (ii) the holder of the health certificate or certificate fails to comply with a compliance notice.
- 3) The municipality may amend a health certificate by endorsing it or by written notice to the holder, if he or she reasonably believes that it is necessary to do so to protect environmental health or to take account of changed circumstances since the health certificate or exemption certificate was issued.

**132. Notice of compliance and representations:**

- 1) Where a person fails to comply with a requirement relating to premises, the municipality may serve a notice of compliance on the person, which notice must state –
  - (a) the name and residential or postal address of the affected person.
  - (b) the requirement which has not been complied with.
  - (c) in detail the measures required to remedy the situation.
  - (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
  - (e) that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.
- 2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.
- 3) Where a person does not make representations in terms of subsection (1)(e), and the person fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the municipality may, irrespective of any fines which may be imposed under section 80, act in terms of subsection (5).

- (a) Representations not lodged within the time contemplated in subsection (1) (e) will not be considered, except where the person has shown good cause, and the municipality condones the late lodging of the representations.
- (b) The municipality must consider the timely representations and any response thereto by the environmental health practitioner.
- (c) The municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the health certificate holder, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (d) The municipality order, discharge duration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the municipality must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
- (e) Where a person fails to discharge the obligations contemplated in paragraph (d), he or she commits an offence and the municipality may, irrespective of any fines which may be imposed under section 80, act in terms of subsection (5).
- (f) The municipality may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the municipality in accordance with section 76.

**133. Prohibition notice:**

- 1) a municipality may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:
  - (a) The owner or occupier of the premises if the municipality reasonably believes that the premises are being used for a purpose or in a manner that is causing an environmental health hazard or an environmental health nuisance.
  - (b) any person who is carrying on an activity or using premises for a purpose or in a manner that the municipality reasonably believes is causing an environmental health hazard or an environmental health nuisance; or
  - (c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
  - (d) The municipality must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the municipality reasonably believes that the delay in doing so would significantly compromise environmental health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
  - (e) A prohibition notice must state –
    - (i) the reasons for serving the notice.
    - (ii) whether or not the municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken.
    - (iii) the possible consequences of failing to comply with the notice; and (e) how to appeal against the notice.
    - (iv) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.
    - (v) The municipality must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
    - (vi) It is the responsibility for anyone charged with failing to comply with a prohibition notice to prove that –
      - (f) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
      - (g) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

**134. Withdrawal of prohibition notice:**

- 1) The municipality must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the land or premises.
- 2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether the prohibition has been removed or the prohibition order withdrawn.
- 3) The municipality may charge the owner or occupier of the land or premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

**135. Municipal remedial work:**

- 1) The municipality may enter any premises and may conduct an environmental health investigation on the premises that it reasonably considers necessary –
  - (a) to ensure compliance with these By-laws or with a compliance notice or prohibition notice.
  - (b) to eliminate or reduce an environmental health nuisance; or
  - (c) to eliminate or reduce a significant environmental health hazard.
- 2) The municipality may enter and execute work on or conduct inspections of premises –
  - (a) where a compliance notice relating to the premises has been issued in terms of section 72, and the purpose of the inspection is to determine whether the notice has been complied with.
  - (b) where the owner or occupier of the premises has failed to comply with a compliance notice that was issued in terms of section 72, or a prohibition notice that was issued in terms of section 73, directing those relevant measures be taken; or
  - (c) the environmental health practitioner has reasonable grounds to believe that an environmental health hazard or environmental health nuisance, which is likely to endanger environmental health, exists on the premises.
- 3) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.
- 4) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, considering the circumstances of the specific situation.
- 5) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –
  - (a) a person's right to, respect for and protection of his or her dignity.
  - (b) the right of a person to freedom and security; and
  - (c) the right of a person to his or her personal privacy.

**136. Costs:**

- 1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 112, the municipality may, subject to subsection (3) recover, as a debt, and in accordance with municipality's debt collection regulations, all costs incurred as a result of it acting in terms hereof from that person and any or all of the following persons:
  - (a) the owner of the land, building or premises; or
  - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- 2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality.
- 3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.
- 4) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.
- 5) Any person in receipt of such a costs order shall be entitled to object to the charging or amount of the said costs order by way of notice to the issuing officer specifying his or her objections. The objection shall then be adjudicated upon by the Chief Financial Officer who will make a decision and communicate this to the Municipal Manager.
- 6) Any costs charged to any person can also include legal costs required in the process of enforcement.

**137. Presumptions:**

- 1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under these Bylaws, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in section 80, unless the employer proves to the satisfaction of the Court that –
  - (a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission.
  - (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
  - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (d) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not itself sufficient proof that he or she took all steps referred to in paragraph (1)(b).

- (e) When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.
- (f) In any prosecution for an offence under these By-laws an allegation in the charge concerned that any place was situate in a street or public place or within a particular area or was a place of a specified kind shall be presumed to be correct unless the contrary is proved.
- (g) In any prosecution for an offence under these By-laws the accused is deemed to know the provisions of these By-laws and to know that the offence with which he or she is charged is a contravention thereof unless he or she proves to the satisfaction of the Court that he or she did not have and could not reasonably be expected to have that knowledge.

**138. Authentication and service of notices and other documents:**

- 1) Where in the opinion of an environmental health practitioner a condition has risen in its area of jurisdiction which is of such nature as to be offensive or a danger to health unless immediately remedied, he or she may serve a written notice on the person responsible for such condition having arisen or on the occupier or owner of the premises on which such condition exists, calling upon him or her to remedy the condition within such period as may be specified in such notice.
- 2) A notice issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by the environmental health practitioner.
- 3) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
  - (a) when it has been delivered to that person personally.
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years.
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained.
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates.
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- 4) Service of a copy is deemed to be service of the original.
- 5) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

**139. Appeal:**

- 1) A person whose rights are affected by a decision of the municipality in terms of these By-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- 2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 3) When the appeal is against a decision taken by –
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
  - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
  - (c) a political structure or political officer bearer, or a councillor the Council is the appeal authority.
- 4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

**140. Co-operation between municipalities**

- 1) In an effort to achieve optimal service delivery, the municipality may enter into agreements with the local municipalities within its area of jurisdiction in respect of the following:
  - (a) Practical arrangements with regard to the execution of the provisions of these By-laws.
  - (b) recovery of costs and expenses.
  - (c) mechanisms for the settlement of disputes with regard to the execution of powers or the matters on which there have been agreements.
  - (d) any other matter regarded necessary by the district and local municipalities to achieve optimal service delivery.
- 2) The provisions of these By-laws are applicable to the jurisdictional area of the Chris Hani District Municipality, including the District Management Area.

**141. Liaison forums in community:**

- 1) The municipality may establish liaison forums in a community for the purposes of -
  - (a) Creating conditions for a local community to participate in the affairs of the municipality.
  - (b) encouraging a local community to participate in the implementation and enforcement of these by-laws; and
  - (c) promoting the achievement of a safe and healthy environment.
- 2) The forums contemplated in sub-section (1) may consist of-
- 3) a member or members of an interest group or an affected person in the spirit of section 2(4) (f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998).
  - (a) a member or members of a community in whose immediate area an environmental health hazard or environmental health nuisance occurs or may occur.
  - (b) a designated official or officials of the municipality; and
  - (c) the councillor responsible for Municipal Health Services.
  - (d) The municipality may, in the implementation and enforcement of these by laws, or when considering an application for a health certificate or consent in terms of these by-laws –
  - (e) request the input of a forum.
  - (f) employ any skills or capacity that may exist in such a forum.
  - (g) A forum, or a person or persons contemplated in sub-section 2, may, on own initiative, in pursuance of the aim of section 69 (2) (c), and having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act 107 of 1998) submit an input to the municipality for consideration.

## CHAPTER 35

### GENERAL

**142. Operation of these by-laws in relation to other laws**

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

**143. Repeal of by-laws**

The existing by-laws, if any, are hereby repealed: all by-laws that relate to the aspects covered in this by-law and to this function applicable to the Waterberg District Municipality area.

**144. Short title and commencement**

This by-law is called the Waterberg District Municipality Municipal health Services By-law and takes effect upon proclamation in the *Government Gazette*.

**145. By-laws bind state.**

This By-law binds any organ of state and any person in the service of any organ of state as defined in Section 239 of the Constitution, 1996 as amended.

**146. Offences and penalties:**

- 1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any premises –
  - (a) denies the official entry to the premises or causes or health certificates any other person to deny the official entry.
  - (b) obstructs or hinders the official in the performance of the official's duties or causes or health certificates any other person to so obstruct or hinder the official.
  - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or health certificates any other person to refuse to give the official such information; or
  - (d) knowingly gives the official false or misleading information or causes or health certificates any other person to give the official such information.
- 2) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws, or any requirement imposed by the EHP.
- 3) A person who is guilty of an offence under these by-laws is liable on conviction to a fine not exceeding R20 000,00, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

## SCHEDULE 1 PUBLIC HEALTH NUISANCES

### 1 General Nuisances-

An owner or occupier of premises creates a public health nuisance if he or she causes or allows -

- a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious, or dangerous to health.
- b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health.
- c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health.
- d) any accumulation of refuse, offal, manure, or other matter which is offensive or is injurious or dangerous to health; any public building to be so situated, constructed, used, or kept as to be unsafe or to be injurious or dangerous to health.
- e) any dwelling to be occupied without proper and sufficient supply of portable water within a reasonable distance.
- f) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- g) any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health.
- h) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person aged 10 years or more and 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person less than 10 years of age; or the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood;
- i) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.
- j) Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health; or which may in any other way cause a risk of disease, death or injuries.

### 2 Pest control-

- 1) An owner or occupier of premises creates a public health nuisance if -
  - a) the premises are maintained in a manner that attracts or harbours rodents or other pests or is conducive to the breeding thereof.
  - b) flies are being attracted to, or can breed on, the premises, in significant numbers because.
    - i) insufficiently rotted manure or any other organic material is being kept or used; or
    - ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies.
- 2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) -
  - a) draining accumulated water at least once every seven days.
  - b) covering accumulated water with a larvicide's at least once every seven days; and
  - c) in the case of wells, providing a mosquito-proof cover and a pump.
- 3) Air pollution- An owner or occupier of premises creates a public health nuisance if-
  - a) any waste on the premises is burned outside except in an approved appliance.
  - b) ash, grit, soot, smoke or any type of air is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health, or that may cause a nuisance;
  - c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health; or
  - d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health.



4) Fouling and littering of public places and open spaces. 1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or health certificate it to be thrown, dumped or dropped there, or cause or health certificate any such liquid to flow into such a place. (2) The person who has contravened sub item (1), must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

## SCHEDULE 2 SCHEDULED USES

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a health certificate or registration, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

### Part A: Activities for which a health certificate / registration is required

Chapter	Section	Activity
2	6	Camping
5	31	Provision of service to remove human excrement or urine
5	32	Installation of sewage works
7	46	Offensive trades
8	53	Hairdressing, Beauty and cosmetology services
10	62	Accommodation Establishments
12	80	Keeping of poultry
12	84	Keeping of rabbits
12	89	Dog Kennels and catteries
12	100	Keeping bees
15	111	Laundry
16	122	Air pollution (Equipment)
16	129	Air pollution (Open burning of material)
17	143	HCRW Generator and Transporter

### Part B: Scheduled uses

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works
6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Swimming Pools and Spa-Baths
12	Keeping of Animals
15	Laundry Establishments
16	Air pollution

## SCHEDULE 3 REGULATIONS

Name	Number
Public Health By laws and Sanitary Regulations	AN No 13 of 1936
Regulations relating to Pet Shops and Pet Salons	AN No 5 of 1989
Regulations for the Control of Barbers, Hairdressers and Beauty Saloons	AN No. 137 of 1984
Regulations relating to Noxious or Offensive Trades	AN No 82 of 1992
By laws relating to Laundries	LGN No 111 of 28 October 2005

#### SCHEDULE 4 CONSENT BY PARENT OR GUARDIAN

I, \_\_\_\_\_, ID No. \_\_\_\_\_, hereby give consent for and health certificate the applicant, \_\_\_\_\_ years of age, to attend initiation school for the prescribed duration of the initiation school and to be circumcised. I declare that I am the parent/guardian of the applicant and I reside at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

#### SCHEDULE 5 CONSENT BY APPLICANT

I, \_\_\_\_\_, ID No. \_\_\_\_\_ being \_\_\_\_\_ years of age, hereby consent to attend to the initiation school for the prescribed duration of the initiation school and to be circumcised. My date of birth is \_\_\_\_\_.

I declare that I reside at the following address:

\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

#### SCHEDULE 6 MINIMUM REQUIREMENTS WHICH INITIATION SCHOOLS MUST MEET OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

1. A suitable shelter must be provided for initiates. The shelter must be considered in such a manner that initiates are protected from extreme temperatures, especially during cold weather conditions.
2. A portable water supply must be provided for the initiates for drinking and cooking purposes.
3. Suitable sanitary facilities in the form of well-constructed pit latrines or portable chemical toilets must be provided for use by the initiates.
4. All body part removed during circumcision must be disposed of in a hygienic manner.
5. Refuse removal, including the disposal of used surgical instruments, must be carried out as may be prescribed by the Environmental Health Practitioner.
6. Food must be prepared hygienically and be kept separate from any area used for sleeping purposes.
7. Initiates must be given sufficient food at least twice a day and be allowed to drink water when necessary.
8. Initiates must be allowed to wear warm clothing, especially in cold water.
9. Instruments such as razor blades used in the circumcision procedure must be used once only, and any other instruments must be sterilized after the circumcision of each initiate.
10. The owner of an initiation school must identify at least one person from the medical profession to assist in the event of an emergency and for referral purposes.
11. Prescribed medication to stop bleeding and prevent unnecessary bleeding must be readily available at the initiation school.
12. A detention room must be available at the initiation school for persons who have come for a circumcision without the consent of their parents or guardians.
13. A register must be kept of all initiates in the initiation school.
14. A first-aid kit that includes antiseptics and medicines for treating minor ailments must be available at the initiation school.

**SCHEDULE 7**  
**STANDARD PRE-CIRCUMCISION MEDICAL EXAMINATION**

**PATIENT'S PARTICULARS:**

NAME	_____
SURNAME	_____
DATE OF BIRTH/ID	_____
RESIDENTIAL ADDRESS	_____
EXAMINATION	_____
GENERAL-ALLERGIES	_____
BLEEDING TENDENCIES	_____
ANAEMIA	_____
JAUNDICE	_____
LYMPHADENOPATHY	_____
HEART	_____
LUNGS	_____
ABDOMEN	_____
PSYCHIATRIC DISORDERS	_____
UROGENITAL CONDITON	_____
OTHER	_____ _____ _____ _____

I, \_\_\_\_\_, being a registered medical practitioner,

Certify that, \_\_\_\_\_ is fit to be circumcised.

DATE	_____
SIGNATURE	_____
QUALIFICATIONS	_____
PRACTICE NUMBER	_____
TEL NO	_____

## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 465 OF 2023

**NOTICE OF APPLICATION IN TERMS OF SECTION 86 OF THE SPLUMA BY-LAW OF GREATER TZANEEN MUNICIPALITY READ TOGETHER WITH SPLUMA ACT 16 OF 2013, TO SIMULTANEOUSLY SUBDIVIDE AND REZONE A PORTION OF THE FARM MAMITWA'S LOCATION 461-LT FROM "AGRICULTURAL" TO "SPECIAL" FOR A SHOPPING COMPLEX. (AMMENDMENT SCHEME 545)**

I, J.M. Setati of the firm, Nhlatshe Planning Consultants, as appointed by Greater Tzaneen Municipality, hereby give notice in terms of section 86 of the SPLUMA By-Law of Greater Tzaneen Municipality, read together with SPLUMA Act 16 of 2013, that we have applied to simultaneously subdivide and rezone a portion of the farm Mamitwa's Location 461-LT from "Agricultural" to "Special" for a Shopping Complex. Particulars of the application will lie for inspection during normal office hours at the Office of the Director: Planning & Economic Development Department, Municipal satellite offices at 15b Peace Street, Tzaneen, for a period of thirty (30) calendar days from 13 October 2023.

Any objections/ representations must be lodged with or made in writing to the acting Municipal Manager, Greater Tzaneen Municipality and delivered to the Office of the Director: Planning & Economic Development Department, at the municipal satellite offices at 15b Peace Street, Tzaneen, on or before the closing date for the submission of objections/ representation, quoting the above-mentioned heading, the objector's interest in the matter, the ground(s) of the objection/ representation, the objector's property description and phone numbers and address.

A person who cannot write may during office hours visit the above-mentioned municipality requesting assistance to transcribe his / her objections, comments or representations. Contact person: Mr. B. M. Mathebula (015) 307 8322

**Closing date for submission of objection/ representations: 11 November 2023**

**DETAILS OF APPLICANT**

**Name:** Nhlatshe Planning Consultants

**Address:** 25b Excelsior Street, Polokwane, 0700

**Telephone Number:** 015 297 8673 / 082 558 7739

**XITLHOKOVETSELO XA XIKOMBELO HI KU YA HI XIYENGE XA 86 XA NAWU WA SPLUMA WA MASIPALA WA GREATER TZANEEN HLAYA SWIN'WE NA NAWU WA 16 WA 2013 WA SPLUMA, KU ENDLA LESWAKU HI KU ENDLA HI NKARHI NA KU ENDLA XIYENGE XA NDHAWU YA PURISA MAMITWA 461-LT KU SUKA KU SUKA HI "AGRICULTURAL" KU YA EKA "KU HLAWULEKA". HI XIYIMO XA LE HENHLA. (XIKIMI XA NDZAVISISO WA 545).**

Mina, J.M. Setati wa feme, Nhlatshe Planning Consultants, tani hi leswi ndzi thoriweke hi Masipala wa Greater Tzaneen, hi ku nyika xitvivo hi ku landza xiyenge xa 86 xa Nawu wa SPLUMA wa Masipala wa Greater Tzaneen, lowu hlayiweke swin'we na Nawu wa SPLUMA wa 16 wa 2013, lowu hi nga na wona yi endlwe xikombelo xo avanyisa na ku cinca ka matirhiselo ya misava hi nkarhi wun'we eka xiphemu xa purisa ra ka N'wamitwa's Location 461-LT kusuka eka "Agricultural" kuya eka "Special" eka Shopping Complex. Vuxokoxoko bya xikombelo byi kona ku nga kamberiwa hi nkarhi wa ntlovelo wa hofisi eHofisini ya Mulawuri: Ndzawulo ya Vupulani & Nhluvukiso wa Ikonomi, Tihofisi ta sathelayiti ta masipala eka 15b Peace Street, Tzaneen, ku ringana nkarhi wa masiku ya makume nharhu (30) ya khalendara ku sukela hi ti 13 Nhlangua 2023.

Swivilelo kumbe vuyimeri byihi na byihi byi fanele ku ngenisiwa kumbe ku endlwa hi ku tsala eka Mufambisi wa Masipala loyi a tirhaka, Masipala wa Greater Tzaneen no yisiwa eka Hofisi ya Mulawuri: Ndzawulo ya Vupulani & Nhluvukiso wa Ikonomi, eka tihofisi ta sathelayiti ta masipala eka 15b Peace Street, Tzaneen, eka kumbe ku nga si fika siku ro pfala ro rhumela swivilelo/vuyimeri, ku tshaha nhlokomhaka leyi boxiweke laha henhla, ku tsakela ka mukaneti eka mhaka leyi, xivangelo (swivangelo) xa ku kaneta/ vuyimeri, nhlamuselo ya nhundzu ya mukaneti na tinomboro ta riqingho na adirese.

Munhu loyi a nga kotiki ku tsala a nga endzela masipala lowu boxiweke laha henhla hi nkarhi wa ntirho a kombela mpfuneto ku tsala swivilelo swa yena, mavonelo kumbe vuyimeri bya yena. Munhu wo tihlanganisa na yena: Tatana B. M. Mathebula (015) 307 8322

**Siku ro pfala ro rhumela swivilelo/ vuyimeri: 11 Hukuri 2023**

**VUXOKOXOKO BYA MUENDLI WA XIKOMBELO**

**Vito:** Nhlatshe Planning Consultants

**Kherufu:** 25b Excelsior Street, Polokwane, 0700

**Nomboro ya Riqingho:** 015 297 8673 / 082 558 7739

**PROVINCIAL NOTICE 468 OF 2023****AMENDMENT OF POLOKWANE INTEGRATED LAND USE SCHEME, 2022  
AMENDMENT SCHEME 34**

We, Open Space Agency being the authorized agent of the owner of Portion 2 of Erf 911 Pietersburg situated at no. 53 Grobler Street, hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-Law, 2017, that we have applied to Polokwane Municipality for the Amendment of the Polokwane Integrated Land Use Scheme, 2022, by rezoning the abovementioned property from "Residential 1" to "Special" for Office in terms of Section 61 of the Polokwane Municipal Planning By-Law, 2017.

Particulars of the application will lie for inspection during normal office hours at the office of the Town Planners, Second Floor, West Wing, Civic Centre, Cnr Boddenstein & Landdros Maré Street, Polokwane Municipality.

Objections to or representations in respect of the application must be lodged with or made in writing within a period of 28 days from 13 October 2023 to 10 November 2023 to Manager: City and Regional Planning at the abovementioned address or at P.O. Box 111, Polokwane, 0700.

13-20

**PROVINSIALE KENNISGEWING 468 VAN 2023****WYSIGING VAN POLOKWANE GEÏNTEGREERDE GRONDGEBRUIKSKEMA,  
2022****WYSIGINGSKEMA 34**

Ons, Open Space Agency, is die gemagtigde agent van die eienaar van gedeelte 2 van Erf 911 Pietersburg geleë te no. Groblerstraat 53, gee hiermee kennis ingevolge Artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ons by Polokwane Munisipaliteit aansoek gedoen het vir die wysiging van die Polokwane Geïntegreerde Grondgebruikskema, 2022, deur die hersonering van bogenoemde eiendom van "Residensieel 1" na "Spesiaal" vir kantoor ingevolge Artikels 61 van die Polokwane Munisipale Beplanningsverordening, 2017.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Stadsbeplanners, Tweede Vloer, West Wing, Burgersentrum, h / v Boddenstein en Landdros Marestraat, Polokwane Munisipaliteit.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 13 Oktober 2023 tot 10 November 2023 skriftelik by die Bestuurder: Stads- en Streekbeplanning by bogenoemde adres of by P.O. Box 111, Polokwane, 0700.

13-20

## PROVINCIAL NOTICE 469 OF 2023

## THULAMELA LOCAL MUNICIPALITY

## AMENDMENT SCHEME NO. 021/2023: NOTIFICATION OF SUBMISSION OF LAND DEVELOPMENT APPLICATION

**Livhuwani Urban Planners and Projects** hereby give a notice that we have lodged an application on behalf of **Musandiwa Salome Nemaunguhwi** and **Ntsandeni Aaron Nemaunguhwi** for simultaneous partial park closure, subdivision and rezoning on portion 1 of erf 650 Thohoyandou-P from public open space to business 2, consolidation of erven portion 1 of erf 650 and 589 Thohoyandou-P and removal of restrictive condition on erf 589 **Thohoyandou-P** for the purpose of extending a student accommodation in terms of Sections **62, 63, 65, 71 AND 73** of the Thulamela Spatial Planning and Land Use Management By-law 2016 read together with the provision of Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

The relevant plan(s), document(s) and information are available for inspection at the office of the Senior Manager Planning and Development, Thulamela local Municipality, Thohoyandou for a period of 30 days and any objection or representation pertaining to the above land development application must be submitted in writing to the Municipal Manager, P.O. Box 5066, Thohovandou, 0950 before the expiry of 30 day period or to the offices of the Thulamela Municipality during office hours from 7h45 to 16h30 Monday to Friday.

Address of the applicant: **40 Jasmyn Avenue, Flora Park, Polokwane, 0699**

Cell: **081 3410 423/067 827 3008**

E-Mail: [info@livhuwaniurbanpp.co.za](mailto:info@livhuwaniurbanpp.co.za)

20-27

## MASIPALA WA THULAMELA

## AMENDMENT SCHEME NO. 021/2023: NDIVHADZO YA KHUMBELO YO ITIWAHO YA MVELAPHANDA

Rine vha **Livhuwani Urban Planners and Projects** ri vha divhadza nga ha khumbelo yo itwaho ya u vala phakha, u tshea tshitensi na u shandukisa kushumisele kwa mavu a divheaho sa **Portion 1 of erf 650 Thohoyandou-P** u bva kha "Public Open Space " ane a vha mavu a phakha uya kha " business 2" ane a vha mavu a o tendelwaho u ita vhudzulo ha matshudeni khathihi na u tanganyisa mavu adivheaho sa **Portion 1 of erf 650 na erf 589 Thohoyandou-P** na u bviswa ha Khondishini ya nyiledzo kha mavu adivheaho sa erf 589 hu tshi khou shumiswa Khethekanyo 62, 63, 65, 71, na 73 ya Thulamela Spatial Planning and Land Use Management by Law 2016 I vhaleaho khathihi na mulayo wa Spatial Planning and Land Use Management act, 16 of 2013 (SPLUMA).

Pulane na manwalo a yelanaho na khumbelo yo bulwaho afho nthu zwi ,wanala kha ofisi ya minidzhere muhulwane wa kudzudzanyele na mvelaphanda, kha masipala wa Thulamela Thohoyandou lwa tshifhinga tshi edanaho maduvha a Furaru {30} vhana mbilaelo malugana na khumbelo iyi vha nwalele minidzhere wa masipala wa Thulamela hu sathu fhela maduvha a furaru {30} kha diresi itevhelaho: P.O. Box 5066, Thohovandou, 0950 kana vha ise ofisini ya zwa mvelaphanda nga tshifhinga tsha mushumo vhukati ha 07h45 na 16h30 vhukati ha vhege.

Diresi : **40 Jasmyn Avenue, Flora Park, Polokwane, 0699**

Cell: **081 3410 423/067 827 3008**

E-Mail: [info@livhuwaniurbanpp.co.za](mailto:info@livhuwaniurbanpp.co.za)

20-27



**PROVINCIAL NOTICE 470 OF 2023****NOTICE OF THE AMENDMENT OF MOGALAKWENA LAND USE MANAGEMENT SCHEME 2008.  
AMENDMENT SCHEME NUMBER 104**

Urban Africa Development being the authorized agent over portion 1 of erf 533 Piet Potgietersrust, has applied in terms section 16(1) of the Mogalakwena municipality land use management bylaw 2016, to rezone the aforementioned property from "Residential 2" to "Special" for the development of an overnight accommodation facility.

The application will lie for inspection at the offices of Planning and Development Services, 2<sup>nd</sup> floor, Mogalakwena Local Municipality, 54 Retief Street from 07:30 to 15:30, from 20 October 2023 to 16 November 2023. Objections and representations should be made by registered mail or by hand, on or prior 16 November 2023 to the Director, Planning and Developmental Services and with the applicant at the address below. Objection letter must contain objectors contact details.

Urban Africa Development, synde die gemagtigde agent oor gedeelte 1 van erf 533 Piet Potgietersrust, het ingevolge artikel 16(1) van die Mogalakwena-munisipaliteit se grondgebruikbestuursverordening 2016 aansoek gedoen om die voorgenoemde eiendom te hersoneer van "Residensieel 2" na "Spesiaal" vir die ontwikkeling van 'n oornagverblyffasiliteit.

Die aansoek sal ter insae lê by die kantore van Beplannings- en Ontwikkelingsdienste, 2de vloer, Mogalakwena Plaaslike Munisipaliteit, Retiefstraat 54 vanaf 07:30 tot 15:30, vanaf 20 Oktober 2023 tot 16 November 2023. Besware en verhoë moet gerig word deur geregistreerde pos of per hand, op of voor 16 November 2023 aan die Direkteur, Beplanning en Ontwikkelingsdienste en met die aansoeker by die adres hieronder. Beswaarbriëf moet beswaarmakers se kontakbesonderhede bevat.

Urban Africa Development  
23 Fregatvoël Street  
Centurion  
0157

email:themba@urbanafrika.co.za  
Cell: 076 733 8697

20-27

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 709 OF 2023****POLOKWANE LOCAL MUNICIPALITY  
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL  
PLANNING BY-LAW, 2017**

I Ndumiso Buthelezi under Superior Quality Engineering & Technologies, being the applicant of properties Erf 157 located at 10 Meteor Avenue, Erf 158 located at 12 Meteor Avenue and Erf 228 located at 91 Bendor Drive all located at Bendor Township hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I have applied to Polokwane Municipality for the amendment of the applicable Land Use Scheme/or Town planning Scheme, by the rezoning in terms of section 61 of the of the Polokwane Municipal Planning By-law, 2017, of the property as described above.

The rezoning is from "Residential 1" to "Residential 3" with Clause 37 increase density to 64 dwelling units per hectare. The intention of the applicant in this matter is to develop a 3 storey residential building units.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from 12 October 2023 until 10 November 2023 and full particulars and plans may be inspected during normal office hours at the office of the Town Planners, Second Floor, West Wing, Civic Centre, Landdros Maré Street, Polokwane before closing date for any objections and/or comments 10 November 2023.

Address of the applicant – Superior Quality Engineering & Technologies, 60 Magazyn Street, Polokwane 0700, Tel: 015 291 1366  
Fax: 086 546 4110 and or cell number 071 827 7129 or 076 444 2167.

Dates on which notice will be published are 13 & 20 October 2023 on provincial gazette and 12 & 19 October 2023 on local newspaper.  
13-20

**PLAASLIKE OWERHEID KENNISGEWING 709 VAN 2023****POLOKWANE PLAASLIKE MUNISIPALITEIT  
KENNISGEWING VAN 'N AANSOEK OOR HERSONERING INGEVOLGE ARTIKEL 61 VAN DIE POLOKWANE  
MUNIKPALE BEPLANNINGVERORDENING, 2017**

I Ndumiso Buthelezi onder Superior Quality Engineering & Technologies, synde die applikant van eiendomme Erf 157 geleë te Meteorlaan 10, Erf 158 geleë te Meteorlaan 12 en Erf 228 geleë te Bendorrylaan 91, almal geleë te Bendor Township gee hiermee kennis ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ek by Polokwane Munisipaliteit aansoek gedoen het vir die wysiging van die toepaslike Grondgebruikskema/of Dorpsbeplanningskema, deur die hersonering ingevolge artikel 61 van die van die Polokwane Munisipale Beplanningsverordening, 2017, van die eiendom soos hierbo beskryf.

Die hersonering is van "Residensieel 1" na "Residensieel 3" met Klousule 37 verhoog digtheid tot 64 wooneenhede per hektaar. Die voorneme van die aansoeker in hierdie saak is om 'n 3 verdieping residensiële gebou eenhede te ontwikkel.

Enige beswaar(s) en/of kommentaar(s), insluitend die gronde vir sodanige beswaar(s) en/of kommentaar(s) met volledige kontakbesonderhede, waaronder die Munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar(s) indien nie. ) en/of kommentaar(s), ingedien word by, of skriftelik gemaak word aan: Bestuurder: Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700 vanaf 12 Oktober 2023 tot 10 November 2023 en volledige besonderhede en planne kan gedurende gewone kantoorure by die kantoor van die Stadsbeplanners, Tweede Vloer, Wesvleuel, Burgersentrum, Landdros Maréstraat, Polokwane geïnspekteer voor sluitingsdatum vir enige besware en/of kommentaar 10 November 2023.

Adres van die aansoeker – Superior Quality Engineering & Technologies, Magazynstraat 60, Polokwane 0700, Tel: 015 291 1366  
Faks: 086 546 4110 en of selnommer 071 827 7129 or 076 444 2167.

Datums waarop kennisgewing gepubliseer sal word, is 13 & 20 Oktober 2023 op provinsiale koerant en 12 & 19 Oktober 2023 op plaaslike koerant.  
13-20

**LOCAL AUTHORITY NOTICE 710 OF 2023****POLOKWANE LOCAL MUNICIPALITY**

We KTH Professional Planning Practice TRP cc being the registered agent of the owner of property hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that we have applied to Polokwane Municipality for the:

1. Amendment of the Polokwane Integrated Land Use Scheme, 2022 by Rezoning of Erf 169 Annadale registration division L.S Limpopo Province located at number 87 Doornkraal Street from Residential 1 to Residential 3 lodged in terms of section 61 and 73 of the Polokwane Municipal Planning By-law, 2017, simultaneously with clause 36 of the Polokwane Integrated Land Use Scheme, 2022 for increase of density from 45 dwelling units/ha to 74 dwelling units/ha in order to develop 21 dwelling units (**Amendment scheme 41**)
2. Amendment of the Polokwane Integrated Land Use Scheme, 2022 by Rezoning of portion 1 of Erf 65 Annadale registration division L.S Limpopo Province located at number 6a Doornkraal Street from Residential 1 to Residential 3 lodged in terms of section 61 and 73 of the Polokwane Municipal Planning By-law, 2017, simultaneously with clause 36 of the Polokwane Integrated Land Use Scheme, 2022 for increase of density from 45 dwelling units/ha to 73 dwelling units/ha in order to develop 10 dwelling units (**Amendment scheme 42**)

Particulars of the applications will lie for inspection and any objections if any or representation must be made during normal working hours at the office of the Manager: City Planning and Property Management, second Floor, West Wing, Civic Centre, Landdros Mare Street, Polokwane or P.O. Box 111, Polokwane, 0700 or [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za), within 28 days from 13 October 2023. Address of agent is 3 Land Street, Polokwane, 0699, Cell: 061 424 2915 or 084 770 8896 email: [kthprofplanpractice@gmail.com](mailto:kthprofplanpractice@gmail.com) OR [kthpurpp@gmail.com](mailto:kthpurpp@gmail.com).

13-20

**PLAASLIKE OWERHEID KENNISGEWING 710 VAN 2023****POLOKWANE PLAASLIKE MUNISIPALITEIT**

Ons KTH Professionele Beplanningspraktik TRP cc, synde die geregistreerde agent van die eienaar van eiendom, gee hiermee kennis ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ons by Polokwane Munisipaliteit aansoek gedoen het vir die :

1. Wysiging van die Polokwane Geïntegreerde Grondgebruikskema, 2022 deur Hersonerig van Erf 169 Annadale registrasieafdeling L.S Limpopo Provinsie geleë te nommer Doornkraalstraat 87 vanaf Residensieel 1 na Residensieel 3 ingedien ingevolge artikel 61 en 73 van die Polokwane Munisipale Beplanningsby- wet, 2017, gelyktydig met klousule 36 van die Polokwane Geïntegreerde Grondgebruikskema, 2022 vir verhoging van digtheid van 45 wooneenhede/ha tot 74 wooneenhede/ha ten einde 21 wooneenhede te ontwikkel (**Wysigingskema 41**)
2. Wysiging van die Polokwane Geïntegreerde Grondgebruikskema, 2022 deur Hersonerig van gedeelte 1 van Erf 65 Annadale registrasie afdeling L.S Limpopo Provinsie geleë te nommer 6a Doornkraalstraat vanaf Residensieel 1 na Residensieel 3 ingedien ingevolge artikel 61 en 73 van die Polokwane Munisipale Beplanningsverordening, 2017, gelyktydig met klousule 36 van die Polokwane Geïntegreerde Grondgebruikskema, 2022 vir verhoging van digtheid van 45 wooneenhede/ha tot 73 wooneenhede/ha ten einde 10 wooneenhede te ontwikkel (**Wysigingskema 42**)

Besonderhede van die aansoeke lê ter insae en enige besware indien enige of verhoë moet gedurende normale werksure gerig word by die kantoor van die Bestuurder: Stadsbeplanning en Eiendomsbestuur, tweede vloer, Wesvleuel, Burgersentrum, Landdros Marestraat, Polokwane of P.O. Box 111, Polokwane, 0700 of [LDA@polokwane.gov.za](mailto:LDA@polokwane.gov.za), binne 28 dae vanaf 13 Oktober 2023. Adres van agent is Landstraat 3, Polokwane, 0699, Sel: 061 424 2915 of 084 770 8896 e-pos: [kthprofplanpractice@gmail.com](mailto:kthprofplanpractice@gmail.com) OF [kthpurpp@gmail.com](mailto:kthpurpp@gmail.com)

13-20

**LOCAL AUTHORITY NOTICE 711 OF 2023**

NOTICE: MAKHADO LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW 2016 - I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby give notice that I have applied in terms of the Makhado Local Municipality Spatial Planning and Land Use Management Bylaw 2016, for the following: A) application in term of Section 64 of the Makhado Local Municipality Planning and Land Use Management Bylaw 2016, for the removal of restrictive conditions C.a) & C.b) & C.c) in title deed T089112/08; B) Request for the Makhado Local Municipality to denounce condition C.b) in title deed T089112/08. Particulars of the application will lie for inspection during normal office hours at the office of the Director, Municipal Secretariat, 1st floor, Civic centre, Makhado (Louis Trichardt), (83 Krogh street), for a period of 30 days from 20 October 2023. Any objections/representations must be lodged with or made in writing, to the Municipal Manager, at the above-mentioned address or posted to Private bag x2596, Makhado, 0920 on or before the closing date for the submission of objections/representations, quoting the below mentioned application description and/or amendment scheme number, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf number and phone numbers and address. Closing date for submission of objections/representations: 18 November 2023. Agent: Developlan, P.O. Box 1883, Polokwane. Email: tecoplan@mweb.co.za. KENNISGEWING: MAKHADO PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURSWET 2016 - Ek, Theo Kotze, as die agent van die eienaar(s) van ondergemelde eiendom, gee hiermee kennis dat ek aansoek gedoen het in terme van die Makhado Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuursbywet 2016, vir die volgende: A) Aansoek in terme van Artikel 64 van die Makhado Plaaslike Munisipaliteit Beplanning en Grondgebruikbestuursbywet 2016, vir die opheffing van beperkende voorwaardes C.a) & C.b) & C.c) in titelakte T089112/08. B) Versoek vir die Makhado Plaaslike Munisipaliteit om afstand te doen van voorwaarde C.b) in titelakte T089112/08. Besonderhede van voormelde aansoek(e) lê ter insae gedurende gewone kantoorure by die kantoor van die Direkteur, Munisipale sekretariaat, 1 ste vloer, Burgersentrum, Makhado (Louis Trichardt), (83 Kroghstraat), vir 'n tydperk van 30 dae vanaf 20 Oktober 2023. Enige beswaar/vertoë moet hetsy skriftelik of mondelings, by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Privaatsak x2596, Louis Trichardt, 0920 ingedien of gerig word, tesame met vermelding van bogenoemde beskrywing van die aansoek en/of wysigingskemanommer, die beswaarmaker se belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. Sluitingsdatum vir die indiening van besware/vertoë: 18 November 2023. Agent: Developlan Town Planners, Bus 1883 Polokwane 0700, Tel: 015-2914177. tecoplan@mweb.co.za. NOTICE: BLOUBERG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW 2017 - I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby give notice that I have applied in terms of the Blouberg Local Municipality Spatial Planning and Land Use Management Bylaw 2017, for the following: a) APPLICATION IN TERM OF Section 67 of the Blouberg Local Municipality planning and Land Use Management Bylaw 2017, for the removal of restrictive condition (a)(ii) in title deed T8160/2023. Particulars of the application will lie for inspection during normal office hours at the offices of the LED and Planning Department: Blouberg Local Municipality, 2nd Building, Mogwadi/Senwabarwana Road, Senwabarwana, 0790, for a period of 30 days from 20 October 2023. Objections to or representations in respect of the applications must be lodged with or made in writing to the Department LED and Planning: Blouberg Local Municipality, P.O. Box 1593, Senwabarwana, 0790, within a period of 30 days from 20 October 2023, together with the mentioning of the above-mentioned description of the application, the objectors interest in the application, the grounds of the objection, the objectors property description and telephone number and address. Address of agent: 219 Harley Street, Eduan Park, Polokwane, P.O. Box 1883, Polokwane, 0700. Tel: (015) 291-4177 Email: tecoplan@mweb.co.za. KENNISGEWING: BLOUBERG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURSWET 2017 - Ek, Theo Kotze, as die agent van die eienaars van ondergemelde eiendom, gee hiermee kennis dat ek aansoek gedoen het in terme van die Blouberg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuursbywet 2017, vir die volgende: a) Aansoek in terme van Artikel 67 van die Blouberg Plaaslike Munisipaliteit Beplanning en Grondgebruikbestuursbywet 2017, vir die opheffing van beperkende voorwaarde (a)(ii) in titelakte T8160/2023. Besonderhede van voormelde aansoek(e) lê ter insae gedurende gewone kantoorure by die kantoor van die Departement LED en Beplanning: Blouberg Plaaslike Munisipaliteit, 2de gebou, Mogwadi/Senwabarwana Pad, Senwabarwana, 0790, vir 'n tydperk van 30 dae vanaf 20 Oktober 2023. Enige beswaar/vertoë moet hetsy skriftelik of mondelings, by of tot die LED en Beplanning Departement: Blouberg Plaaslike Munisipaliteit, 2de gebou, Mogwadi/Senwabarwana Pad, Senwabarwana, 0790, vir 'n tydperk van 30 dae vanaf 20 Oktober 2023, ingedien of gerig word, tesame met vermelding van bogenoemde beskrywing van die aansoek, die beswaarmaker se belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. Sluitingsdatum vir die indiening van besware/vertoë: 18 November 2023. Agent: Developlan Town Planners, Bus 1883 Polokwane 0700, Tel. 015-2914177. tecoplan@mweb.co.za. POLOKWANE AMENDMENT SCHEME 39 - Notice is hereby given that application has been made with the Polokwane Municipality in terms of Section 61 of the mentioned by-law, for a) the amendment of the POLOKWANE INTEGRATED LAND USE SCHEME, 2022, by the rezoning of the REMAINDER OF ERF 682 PIETERSBURG (located at 36a Grobler street) from Residential 1 to Business 5 (for the purpose of conducting Medical consulting rooms). Full particulars may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from 20 October 2023. Any objections or comments, including the grounds for such objections/comments, along with your full contact details must be lodged with, or made in writing to: The Manager: City Planning and Property Management, P.O. Box 111, Polokwane, 0700 from 20 October 2023 to 16 November 2023. Physical address of the municipality offices: Manager: Spatial Planning and Land Use Management, 2nd floor, west wing, Civic centre, Landdros Mare street, Polokwane. The closing date for any objections and/or comments is: 16 November 2023. Address of applicant / agent: DEVELOPLAN, 219 Harley Street, Polokwane, P.O. Box 1883, Polokwane, 0700, Email: tecoplan@mweb.co.za. Telephone: 015-2914177. POLOKWANE WYSIGINGSKEMA 39 - Kennis word hiermee gegee ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening 2017, dat aansoek gedoen is by die Polokwane plaaslike munisipaliteit vir a) die wysiging van die Polokwane Geïntegreerde Grondgebruikskema 2022 deur die hersonering van die Resterende Gedeelte van Erf 682 Pietersburg (gelee te 36a Groblerstraat), ingevolge Artikel 61 van die Polokwane Munisipale Beplanningsbywet, 2017. Die hersonering is vanaf "Residensieel 1" na "Besigheid 5". Die doel van die aansoek is om die perseel vir mediese spreekkamers te gebruik. Besonderhede van voormelde aansoek le ter insae gedurende gewone kantoorure by die Munisipale kantore soos hieronder aangetoon vir 'n tydperk van 28 dae vanaf 20 Oktober 2023. Enige besware en/of kommentare, tesame met die gronde vir sodanige besware/kommentare, tesame met u volledige kontakbesonderhede, moet ingedien word by, of skriftelik gerig word aan: Die Bestuurder: Stedelike Beplanning, Posbus 111, Polokwane 0700 vanaf 20 Oktober 2023 tot 16 November 2023. Fisiese adres van munisipale kantore: Bestuurder: Beplanning (Ruimtelike Beplanning en Grondgebruikbestuur), 2de, vloer, Wesvleuel, Burgersentrum, Landdros Marestraat, Polokwane. Sluitingsdatum vir die indiening van besware en/of kommentare: 16 November 2023. Adres van applikant / agent: DEVELOPLAN, 219 Harleystraat, Polokwane, Posbus 1883, Polokwane, 0700. Epos: tecoplan@mweb.co.za Tel. 015-2914177.

**LOCAL AUTHORITY NOTICE 712 OF 2023**

## NOTICE

I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby give notice in that I have applied to the THULAMELA MUNICIPALITY for the following as it relates to STAND 194 THOHOYANDOU-A: a) Rezoning from "Government" to "Residential 3" in terms of Section 62(1) of the Thulamela Spatial Planning and Land Use Management By-law 2016; b) Consent for the relaxation of the permitted density to 100 units per hectare in terms of Section 71 of the Thulamela Spatial Planning and Land Use Management By-law 2016 & Clause 40(2)(2) of the Thulamela Land Use Management Scheme 2020. Particulars of the applications will lie for inspection during normal office hours at the office of the Chief Town planner, Civic Centre, Thohoyandou, for a period of 30 days from 20 October 2023. Objections to or representations in respect of the applications must be lodged with or made in writing to the Municipal Manager at the above address or at Private Bag x5066, Thohoyandou, 0950, no later than 18 November 2023. Agent: DEVELOPLAN, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: [tecoplan@mweb.co.za](mailto:tecoplan@mweb.co.za). NDIHVADZO - Nne, Theo Kotze Ndo imela mune wa mavu o bulwaho afho fhasi, ndikho u disa ndivhadzo ya uri ndo ita khumbelo kha MASIPALA WA THULAMELA malugana na zwitevhelaho - Khumbelo ndi ya Mavu a divheaho sa STAND 194 THOHOYANDOU-A: a) Ushandukiswa ha mavu ubva kha kushumilese kwa "Government" uya kha kwa "Vhubindudzi" ho shumisiwa khethekanyo ya 62(1) ya Thulamela Spatial Planning and Land Use Management By-law 2016; b) Thendelelo ya u relax density yo tendelwaho uya kha uniti dza 100 kha hekithara dza fumi ho shumiswa khethekanyo ya 71 ya Thulamela Spatial Planning and Land Use Management By-law 2016 na Clause 40(2)(2) of the Thulamela Land Use Management Scheme 2020. Arali vhatshi toda u divha zwinzhi nga ha khumbelo dzire afho ntha, Zwidodombedwa zwido wanala kha ofisi ya Chief Town planner, Thulamela Civic Centre, Thohoyandou nga tshifhinga tsha awara dzo dowealeho dza mushumo, lwa tshifhinga tshiswikaho maduvha a 30 ubva 20 Tshimedzi 2023. Khanedzo kana Utoda u pfesesa malugano na khumbelo dzire afho ntha zwinga rumelwa nga uto nwalela Mulanguli wa Masipala kha direse I tevhelaho: Private Bag x5066, Thohoyandou, 0950, husaathu fhira duvha la 18 Lara 2023. Murumelwa: DEVELOPLAN, P.O. Box 1883, polokwane, 0700. FAX: 086 218 3267. EMAIL: [tecoplan@mweb.co.za](mailto:tecoplan@mweb.co.za)

20-27

**LOCAL AUTHORITY NOTICE 713 OF 2023****NOTICE OF A SIMULTANEOUS APPLICATION FOR ESTABLISHMENT OF A TOWNSHIP AND REMOVAL OF RESTRICTIVE CONDITIONS IN THE TITLE DEED IN TERMS OF SECTIONS 54 AND 62, RESPECTIVELY, OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017****POLOKWANE EXTENSION 147**

We, Kamekho Consulting CC, being the applicant, hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that we have applied to Polokwane Municipality for simultaneous establishment of a township and removal of restrictive conditions in the title deed in terms of sections 54 and 62, respectively, of the Polokwane Municipal Planning By-law, 2017 referred to in the Annexure hereto.

The application for the removal of the restrictive conditions in Paragraph B,C & G in title deed T75228/2010PTA for Remaining Extent of Portion 98 of the Farm Doornkraal 680 LS, has the intent to allow for the establishment of mixed-density residential development as detailed in the Annexure hereto.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, P O Box 111, Polokwane, 0700 from 20 October 2023 until 17 November 2023.

Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette / Observer newspaper.

Address of Municipal offices: 2nd Floor Civic Centre, Landdros Mare Street, Polokwane, 0699

Closing day for any objections and/or comments: 17 November 2023

Address of applicant: P. O Box 4169, Polokwane or Office 9, Unit 6, 100 Marshal Street Polokwane, Tel: 084 690 9479

Fax: 086 614 9265, email: [bruce@kamekho.co.za](mailto:bruce@kamekho.co.za)

Dates on which notice will be published: 20<sup>th</sup> and 27<sup>th</sup> of October 2023

**ANNEXURE**

Name of township: Polokwane Extension 147

Full name of applicant: Kamekho Consulting CC

Number of erven, proposed zoning and development control measures: The applicant intends to establish a town with 16 "Residential 1" zoned stands for single dwellings and 3 "Residential 3" zoned stands for townhouses/flats, subject to Annexure P12. The intention of the applicant is to allow for the development of a mixed density residential township.

Locality and description of property on which township is to be established: the Remaining Extent of Portion 98 of the Farm Doornkraal 680 Registration Division LS.

The proposed township is situated: approximately 4km north-west of Polokwane Central and 50m west of Dendron Road (R521).

20-27



**PLAASLIKE OWERHEID KENNISGEWING 713 VAN 2023****KENNISGEWING VAN 'N GELYKTYDIGE AANSOEK OM STIGTING VAN 'N DORP EN VERWYDERING VAN BEPERKENDE VOORWAARDES IN DIE TITELAKTE INGEVOLGE ARTIKELS 54 EN 62, ONDERSKEILIK, VAN DIE POLOKWANE MUNISIPALE BEPLANNING, BY 2017W.****POLOKWANE UITBREIDING 147**

Ons, Kamekho Consulting BK, synde die aansoeker, gee hiermee kennis ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ons aansoek gedoen het by Polokwane Munisipaliteit vir gelyktydige stigting van 'n dorp en verwydering van beperkende voorwaardes in die titelakte ingevolge artikels 54 en 62, onderskeidelik, van die Polokwane Munisipale Beplanningsverordening, 2017 waarna in die Bylae hierby verwys word. Die aansoek vir die opheffing van die beperkende voorwaardes in Paragraaf B,C & G in titelakte T75228/2010PTA vir Resterende Gedeelte van Gedeelte 98 van die Plaas Doornkraal 680 LS, het die bedoeling om voorsiening te maak vir die vestiging van gemengde-digtheid residensiële ontwikkeling as uiteengesit in die Bylaag hierby.

Enige beswaar(s) en/of kommentaar(s), insluitend die gronde vir sodanige beswaar(s) en/of kommentaar(s) met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar(s) indien nie. ) en/of kommentaar(s), ingedien word by, of skriftelik gemaak word aan: Bestuurder: Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700 vanaf 20 Oktober 2023 tot 17 November 2023. Volledige besonderhede en planne (indien enige) kan gedurende gewone kantoorure by die Munisipale kantore soos hieronder uiteengesit besigtig word vir 'n tydperk van 28 dae vanaf die datum van eerste publikasie van die advertensie in die Provinsiale Koerant / Observer koerant.

Adres van Munisipale kantore: 2de Vloer Burgersentrum, Landdros Marestraat, Polokwane, 0699

Sluitingsdag vir enige besware en/of kommentaar: 17 November 2023

Adres van aansoeker: Posbus 4169, Polokwane of Kantoor 9, Eenheid 6,100 Marshalstraat Polokwane, Tel: 084 690 9479 Faks: 086 614 9265, e-pos: bruce@kamekho.co.za

Datums waarop kennisgewing gepubliseer sal word: 20ste en 27ste Oktober 2023

**BYLAAG**

Naam van dorp: Polokwane Uitbreiding 147

Volle naam van aansoeker: Kamekho Consulting BK

Aantal erwe, voorgestelde sonering en ontwikkelingsbeheermaatreëls: Die aansoeker beoog om 'n dorp te stig met 16 "Residensieel 1" gesoneer erwe vir enkelwonings en 3 "Residensieel 3" gesoneer erwe vir meenthuise/woonstelle, onderhewig aan Bylaag P12. Die voorneme van die aansoeker is om voorsiening te maak vir die ontwikkeling van 'n gemengde digtheid residensiële dorp.

Ligging en beskrywing van eiendom waarop dorp gestig gaan word: die Resterende Gedeelte van Gedeelte 98 van die Plaas Doornkraal 680 Registrasie Afdeling LS.

Die voorgestelde dorp is geleë: ongeveer 4km noordwes van Polokwane Sentraal en 50m wes van Dendronweg (R521).

20-27

**LOCAL AUTHORITY NOTICE 714 OF 2023****POLOKWANE LOCAL MUNICIPALITY  
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL  
PLANNING BY-LAW - AMENDMENT SCHEME 36**

I, Rian Beukes of the firm Rian Beukes Town & Regional Planners and Property Consultants being the authorized agent of the owner of Erf 3084 Pietersburg Ext 11 hereby gives notice in terms of Section 95(1)(a) of the Municipal Planning By-Law, 2017, that I have applied to the Polokwane Municipality for the amendment of the Polokwane Integrated Land Use Scheme, 2022 by the rezoning in terms of Section 61 of the Polokwane Municipal Planning By-law, 2016 for the rezoning of the above-mentioned property which is situated 33 Gemini Street, Ster Park from "Residential 1" to "Residential 3" to permit the erection of 6 dwelling units on the property.

Any objections and or comments, including grounds for such objections and or comments with full contact details, without which the municipality cannot correspond with the person or body submitting the objections and or comments, shall be lodge with, or made to; Manager: City Planning and Property Management, PO Box 111 Polokwane 0700, from **20 October 2023 until 17 November 2023**.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of the first publication of the notice in the Provincial Gazette/ Observer Newspaper. Address of Municipal Offices: 2<sup>nd</sup> floor, Civic Centre, cnr Landdros Mare and Bodenstein Streets, Polokwane.

Closing date for objections / comments: 17 November 2023.

Address of applicant: Rian Beukes Town & Regional Planners and Property Consultants, PO Box 12417, BENDOR, 0713. (015) 297 1140 - rian.beukes@telkomsa.net. Date of first notice: 20 October 2023

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**PLAASLIKE OWERHEID KENNISGEWING 714 VAN 2023****POLOKWANE PLAASLIKE MUNISIPALITEIT  
KENNISGEWING TEN OPSIGTE VAN HERSONERING IN TERME VAN ARTIKEL 61 VAN DIE POLOKWANE  
MUNISIPALE BEPLANNINGS BYWET, 2017 –WYSIGINGSKEMA 36**

Ek, Rian Beukes van die firma Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, synde die gemagtigde agent van die eienaar van Erf 3084 Pietersburg X 11, gee hiermee kennis dat ek aansoek gedoen het by die Polokwane Munisipaliteit vir die wysiging van die Polokwane Geïntegreerde Grondgebruikskema, 2022, vir die hersonering van die bogemelde eiendom geleë te: Geministraat 33 vanaf "Residensieel 1", na "Residensieel 3" ten einde 6 wooneenhede op die perseel toe te laat.

Enige besware en of kommentaar, insluitende die gronde van beswaar en of kommentaar, met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie met die beswaarmaker of instansie wat die beswaar maak of kommentaar lewer, kan kommunikeer nie, moet gerig word aan; Die Bestuurder, Stadsbeplanning en Eiendomsbestuur, Posbus 111 Polokwane, 0700, vanaf **20 Oktober 2023 tot 17 November 2023**.

Volle besonderhede en planne ten opsigte van die aansoek kan gedurende normale kantoorure besigtig word by die Munisipale kantore, binne 'n tydperk van 28 dae vanaf die datum van eerste publikasie in die Provinsiale Gazette / Observer. Adres van die Munisipale kantore; 2de vloer, Burgersentrum, h.v Landdros Mare en Bodensteinstrate, Polokwane. Sluitingsdatum vir besware / kommentare: 17 November 2023

Adres van applikant: Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, Posbus 12417, Bendor, 0713 (Tel 015 297 1140, e-pos: rian.beukes@telkomsa.net. Datum van eerste publikasie: 20 Oktober 2023.

20-27

**LOCAL AUTHORITY NOTICE 715 OF 2023****POLOKWANE LOCAL MUNICIPALITY  
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL  
PLANNING BY-LAW - AMENDMENT SCHEME 44**

I, Rian Beukes of the firm Rian Beukes Town & Regional Planners and Property Consultants being the authorized agent of the owner of Erf 2201 Pietersburg Ext 4 hereby gives notice in terms of Section 95(1)(a) of the Municipal Planning By-Law, 2017, that I have applied to the Polokwane Municipality for the amendment of the Polokwane Integrated Land Use Scheme, 2022 by the rezoning in terms of Section 61 of the Polokwane Municipal Planning By-law, 2017 for the rezoning of the above-mentioned property which is situated 90 Kleinenberg Street, Moregloed from "Residential 1" to "Educational". The consent in terms of certain conditions in the Title Deed T8017/2023 read together with Section 45(b) of the Act (supra), to use the property for a place of instruction (Jabez Christian Academy), is also requested with this. Any objections and or comments, including grounds for such objections and or comments with full contact details, without which the municipality cannot correspond with the person or body submitting the objections and or comments, shall be lodge with, or made to; Manager: City Planning and Property Management, PO Box 111 Polokwane 0700, from **20 October 2023 until 17 November 2023**.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of the first publication of the notice in the Provincial Gazette/ Observer Newspaper. Address of Municipal Offices: 2<sup>nd</sup> floor, Civic Centre, cnr Landdros Mare and Bodenstein Streets, Polokwane.

Closing date for objections / comments: 17 November 2023.

Address of applicant: Rian Beukes Town & Regional Planners and Property Consultants, PO Box 12417, BENDOR, 0713. (015) 297 1140 - rian.beukes@telkomsa.net. Date of first notice: 20 October 2023

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**PLAASLIKE OWERHEID KENNISGEWING 715 VAN 2023****POLOKWANE PLAASLIKE MUNISIPALITEIT  
KENNISGEWING TEN OPSIGTE VAN HERSONERING IN TERME VAN ARTIKEL 61 VAN DIE POLOKWANE  
MUNISIPALE BEPLANNINGS BYWET, 2017 –WYSIGINGSKEMA 44**

Ek, Rian Beukes van die firma Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, synde die gemagtigde agent van die eienaar van Erf 2201 Pietersburg X 4, gee hiermee kennis dat ek aansoek gedoen het by die Polokwane Munisipaliteit vir die wysiging van die Polokwane Geïntegreerde Grondgebruikskema, 2022, vir die hersonering van die bogemelde eiendom geleë te: Kleinenbergstraat 90 vanaf "Residensieel 1", na "Opvoedkundig". Die toestemming in terme van die bepalings van die Titel Akte T8017/2023 saamgelees met Artikel 45(6) van die Wet (supra) om die erf vir 'n onderrigplek (Jabez Christian Academy) te gebruik, word ook hiermee gevra.

Enige besware en of kommentaar, insluitende die gronde van beswaar en of kommentaar, met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie met die beswaarmaker of instansie wat die beswaar maak of kommentaar lewer, kan kommunikeer nie, moet gerig word aan; Die Bestuurder, Stadsbeplanning en Eiendomsbestuur, Posbus 111 Polokwane, 0700, vanaf **20 Oktober 2023 tot 17 November 2023**.

Volle besonderhede en planne ten opsigte van die aansoek kan gedurende normale kantoorure besigtig word by die Munisipale kantore, binne 'n tydperk van 28 dae vanaf die datum van eerste publiskasie in die Provinsiale Gazette / Observer. Adres van die Munisipale kantore; 2de vloer, Burgersentrum, h.v Landdros Mare en Bodensteinstrate, Polokwane. Sluitingsdatum vir besware / kommentare: 17 November 2023

Adres van applikant: Rian Beukes Stads en Streekbeplanners en Eiendomskonsultante, Posbus 12417, Bendor, 0713 (Tel 015 297 1140, e-pos: rian.beukes@telkomsa.net. Datum van eerste publiskasie: 20 Oktober 2023.

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# Closing times for **ORDINARY WEEKLY** **2023** **LIMPOPO PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **31 March**, Friday for the issue of Friday **07 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **09 June**, Friday for the issue of Friday **16 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

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