



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

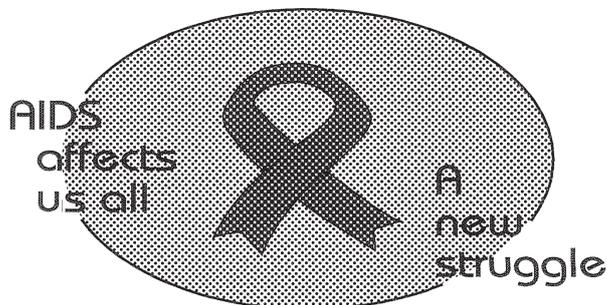
Vol. 26

NELSPRUIT
20 DECEMBER 2019
20 DESEMBER 2019

No. 3113

PART 1 OF 2

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4518



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IMPORTANT NOTICE OF OFFICE RELOCATION

government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

Private Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za

URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **2020** **MPUMALANGA PROVINCIAL GAZETTE**

The closing time is 15:00 sharp on the following days:

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 January**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Friday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **03 April**, Friday for the issue of Friday **10 April 2020**
- **08 April**, Friday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **23 April**, Thursday for the issue of Friday **01 May 2020**
- **30 April**, Friday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Friday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **18 December**, Friday for the issue of Friday **25 December 2020**
- **23 December**, Wednesday for the issue of Friday **01 January 2021**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

E-mail: submit.egazette@gpw.gov.za

For queries and quotations, contact: Gazette Contact Centre:

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 155 OF 2019

MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRSPUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws for Mkhondo, Chief Albert Luthuli and Victor Khanye local municipalities, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matters per local municipality, namely:

Mkhondo Local Municipality

1. Municipal Management and Control of Informal Settlements
2. Fire Brigade Services

Chief Albert Luthuli Local Municipality

1. Prevention and Suppression of Nuisance

Victor Khanye Local Municipality

1. Air Quality

Given under my hand at Mbombela, on 2/12/ 2019


MR. M.J. MSIBI (MPL)
MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS



VICTOR KHANYE LOCAL MUNICIPALITY
AIR QUALITY MANAGEMENT
BY-LAW
2018

VICTOR KHANYE LOCAL MUNICIPALITY**AIR QUALITY MANAGEMENT BY-LAW, 2018**

The Council of Victor Khanye Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) has made the air quality management by-law hereunder:

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CHAPTER 1

INTERPRETATION AND AIR POLLUTION DUTY OF CARE

1. Definitions

In this by-law any word or expression to which a meaning has been assigned in the by-law and the relevant SANS Standards, shall have the meaning so assigned to it and, unless the context otherwise indicates:

“air pollution” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

“air quality officer” means an officer appointed in terms of section 14 of the AQA;

“ambient sound level” means the reading of an integrating sound level meter measured at the measuring point at the end of total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a noise nuisance is absent;

“authorised person” means any employee authorised by the municipality to implement any of the provision of this by-law and in possession of an appointment card issued by the municipality attesting thereto, including any member of the municipal police service or any peace officer;

“AQA” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), as amended;

“change” means any modification which is made to an existing structure, plant, road, land use, procedure, action which may have an effect on the noise increases originating from an activity related to or connected with the use of such structure, the operation of such plant, the use of such road or railway, such land use, such procedure or such action;

“combustible liquid” means a liquid which has a close-cap flash point of 38 degrees Celsius or above;

“compressed ignition powered vehicle” means a vehicle powered by an internal combustion, compression ignition engine, diesel or similar fuel;

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

“control measure” means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension or airborne transport of fugitive dust, pesticide or sandblasting activities;

“Council” means (Victor Khanye Local Municipality)

“dark smoke” means smoke:

- (a) which has a density of 60 Hartridge smoke units or more (coastal areas), or in relation to emissions from a turbo-charged compressed ignition powered engine, means a density of 66 Hartridge smoke units or more (inland areas); or
- (b) which has a light absorption co-efficient of more than 2.125 m^{-1} or more, or in relation to emissions from a turbo-charged compressed ignition powered engines, means a light absorption co-efficient of more than 2.51 m^{-1} ;

“erect” means alter, convert, extend or re-erect;

“exempted vehicle” means a vehicle listed in Annexure-A to SANS 10281;

“flammable gas” means a gas which at 20 degrees Celsius and a standard pressure of 101, 3 kilopascals—

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

“flammable liquid” means a liquid or combustible liquid which has a closed cup flash point of 60 degrees Celsius or below or an open cup flash point of 65.6 degrees Celsius;

“flammable substance” means any flammable liquid, combustible liquid or flammable gas;

“measuring point” relating to:

- (a) a piece of land from which an alleged disturbing noise emanates, or may emanate, means a point outside the property projection plane where noise shall be measured, or calculated in accordance with the provisions of SANS 10103 and/or SANS 10328;
- (b) a building with more than one occupant, means a point in or outside the building where noise shall be measured, or calculated in accordance with the provisions of SANS 10103 and/or SANS 10328; and
- (c) a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended;

“Municipality” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended;

“National Framework” means the National Framework for Air Quality Management in the Republic of South Africa, as established in terms of section 7(4) of the AQA, as amended;

“NEMA” means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

“noise nuisance” means any sound in terms of section 18 of the by-law, which impairs or may impair the convenience or peace of any reasonable person;

“non-exempted vehicle” means a vehicle not listed in Annexure-A to SANS 10281;

“nuisance” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of any person or living organism;
- (b) the use or enjoyment by an owner or occupier of his or her property or environment; and
- (c) the ordinary comfort, convenience and peace.

“open burning” means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere, excluding the burning of sugar cane;

“**pave**” means to apply and maintain concrete or any other similar material to a road surface or any other surface;

“**pest**” means an injurious, noxious or troublesome living organism;

“**pesticide**” means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

“**property projection plane**” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space or with reference to a dimension of space;

“**premises**” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotives, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council or the precincts of any harbour;

“**public road**” means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), as amended;

“**recreational vehicle**” means:

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes but not for gain, including but not limited to a micro-light aircraft and a hot air balloon;
- (d) a vessel used for sport on water or recreational purposes but not for gain, including but not limited to a jet ski and a ski-boat; or
- (e) any other conveyance vessel or model which is used for sport or recreational purposes, but not for gain;

“**repair notice**” means a notice as referred to in section 8(4), regarding the re-testing of vehicle;

“**rubber product**” means anything composed of rubber including anything containing or coated with rubber;

“**SANS 10103**” means the latest edition of Standards South Africa publication No. 10103 titled: “The measurement and ratings of environmental noise with respect to annoyance and to speech communication”, as amended from time to time or its corresponding replacement;

“**SANS 10181**” means the latest edition of Standards South Africa publication No. 10181 titled: “The measurement of noise emitted by road vehicles when stationary”, as amended from time to time or its corresponding replacement;

“**SANS 10281**” means the latest edition of Standards South Africa publication No. 10281 titled: “Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles”, as amended from time to time or its corresponding replacement;

“**SANS 10328**” means the latest edition of Standards South Africa publication No. 10328 titled: “Methods for environmental noise impact assessments”, as amended from time to time or its corresponding replacement;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

“**use**” in relation to all terrain vehicles includes driving, operating or being conveyed by, that vehicle;

“**vehicle**” means a vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), as amended;

“**zone**” means land set apart by a zoning scheme for a particular zoning irrespective of whether it comprises one or more land units or part of a land unit.

2. Objectives

- (1) The objectives of this by-law are to:
 - (a) give effect to the right contained in section 24 of the Constitution by regulating air pollution within the area of the municipality's jurisdiction;
 - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Council can manage and regulate activities that have the potential to adversely impact the environment, public health and well being; and
 - (c) ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimised.
- (2) Any person exercising a power under this by-law must exercise such power in order to give effect to the objectives as set out in subsection (1) above.

3. Application

- (1) This by-law must be read with any applicable provisions of the National Environmental Management: Air Quality Act, 2004 and the National Framework.

- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates air pollution, the provisions of this by-law shall prevail to the extent of the inconsistency.

4. Air Pollution Duty of Care

- (1) Every person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
- (a) to prevent any potential of air pollution from occurring; and
 - (b) where it cannot be prevented, to mitigate any air pollution that may occur.
- (2) The Council may direct any person in writing who fails to take the measures required under subsection (1):
- (a) to commence taking specific reasonable measures before a given date;
 - (b) to diligently continue with those measures; and
 - (c) to complete them before a specified reasonable date.
- (3) Prior to making such a decision as contemplated in subsection (2), the Council must give the affected person adequate opportunity to make representation as to why a directive should not be issued.
- (4) The Council must give due consideration to all representations submitted before taking a decision as contemplated in subsection (2).
- (5) The Council must issue the directive under subsection (2) should a person fail to submit representations within the specified period in terms of subsection (3).
- (6) The Council may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief should a person fail to comply, or inadequately comply, with a directive under subsection (2).
- (7) The Council may recover costs for reasonable remedial measures to be undertaken under subsection (6), before such measures are taken and all costs incurred as a result of it acting under subsection (6) from any person who is or was responsible for, or who contributed to, the air pollution, provided such person failed to take the measures required of him under subsection (2).
- (8) No person may:
- (a) unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or

- (b) refuse to comply with a directive issued under this section.
- (9) Any person who fails to comply with subsection (8) commits an offence.

CHAPTER 2

LOCAL EMISSION STANDARDS, MOTOR VEHICLE EMISSIONS, SMALL BOILERS AND CONTROLLED ACTIVITIES

Part 1: Local Emission Standards

5. Identification of Substances and Development of Local Emission Standards

- (1) The Council has identified the substances in ambient air, as set out in Schedule 1 to the by-law, and for each substance developed local emission standards.
- (2) The Council may apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:
 - (a) the possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;
 - (b) widespread and high concentrations of the substance in the atmosphere;
 - (c) potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
 - (d) persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
 - (e) the impact of the substance taking the following factors into consideration:
 - (i) size of the exposed population, living resources or ecosystems;
 - (ii) the existence of particularly sensitive receptors in the zone concerned.
 - (f) Substances that are regulated by international conventions.
- (3) The Council may, when developing the local emissions standards:
 - (a) identify the critical factors for public health impacts;
 - (b) identify sensitive sub-populations;
 - (c) review available databases for public health status;

- (d) review available databases for ambient air quality information; and
 - (e) review and assess international guidelines and standards.
- (4) The Council may take the following factors into consideration in setting local emission standards:
- (a) Health, safety and environmental protection objectives;
 - (b) Analytical methodology;
 - (c) Technical feasibility;
 - (d) Monitoring capability; and
 - (e) Socio-economic consequences.

6. Consequences of Identification

- (1) Any person emitting those substances or mixtures of substances must comply with the emission standards established in terms of section 5.
- (2) Any person who fails to comply with the emission standards established in terms of section 5 commits an offence.

7. Public Participation Process

For the purposes of the publication of the local emission standards, the Council must follow the public participation process as set out in section 13 of the Municipal Systems Act, 2000, as amended.

Part 2: Motor Vehicle Emissions, Small Boilers and Controlled Activities

8. Emissions from Compressed Ignition Powered Vehicles

Prohibition of emission of dark smoke

- (1) No person may drive a vehicle on a public road if it emits dark smoke.
- (2) A person commits an offence if he or she contravenes subsection (1).

Stopping of Vehicles for Inspection and Testing

- (3) For the purposes of enforcing the provisions of section 8, an authorised person may:
 - (a) by means of a signal instruct the driver of a vehicle to stop that vehicle; and

- (b) instruct that driver to give all assistance required for the purpose of the inspection and testing of that vehicle.
- (4) The authorised person must, prior to any testing being undertaken in terms of subsection (7) inform the driver of the vehicle that:
- (a) the vehicle has been stopped to test it in terms of this by-law for the emission of dark smoke;
 - (b) the vehicle is being detained for the purpose of such testing;
 - (c) if the results of such testing indicate that dark smoke is emitted from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law.
- (5) Any person who fails to comply with a direction given under subsection (3)(a) commits an offence.
- (6) When a vehicle has stopped in compliance with a direction given under subsection (3)(a), the authorised person may test the vehicle at the roadside, in which case testing must be carried out at or as near as practicable to the place where the direction to stop the vehicle is given; and as soon as practicable, and in any case within 1 hour, after the vehicle is stopped in accordance with the direction.

Testing procedure

- (7) An authorised person must use the following testing procedure in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of subsection (1):
- (i) when instructed to do so by the authorised person, the driver of the vehicle must apply a handbrake, start the vehicle, place it in neutral gear and engage the clutch;
 - (ii) for a period required by an authorised person smoothly depress the accelerator pedal of the vehicle, until the engine reaches a revolution level of 3000 revolutions per minute or in the absence of a revolution counter to the extent directed by an authorised person;
 - (iii) while the accelerator pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not dark smoke is emitted;
- (8) After having conducted a test, an authorised person must furnish the driver of the vehicle concerned with the test results which indicate that either the vehicle is not emitting dark smoke or is emitting dark smoke in contravention of subsection (1) and if the driver is not

the owner of the vehicle concerned, then it is presumed that the driver is the owner of the vehicle unless he or she produces evidence to the contrary.

- (9) An authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven in contravention of subsection (1), if the test results indicate that the vehicle concerned is not emitting dark smoke.
- (10) An authorised person must issue the driver of the vehicle with a repair notice in accordance with subsection (11), if the test results indicate that the vehicle concerned is emitting dark smoke.

Repair notice

- (11) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry date of that period.
- (12) The repair notice must contain, amongst others, the following information:
 - (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and
 - (c) if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.
- (13) A person commits an offence under this section if the person fails:
 - (a) to comply with the repair notice referred to in subsection (11);
 - (b) to take the vehicle for re-testing as referred to in subsection (11).
- (14) It shall not be a defence in proceedings under subsection (13) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.
- (15) The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended, where the owner of the vehicle fails to take the vehicle for re-testing as referred to in subsection (11).

9. Emissions Caused by Open Burning

- (1) A person who carries out or permits open burning of any material on any land or premises is committing an offence, unless:
 - (a) the prior written authorisation of the Council has been obtained, which

authorisation may be granted by the Council with conditions, and

- (b) that person has notified in writing the owners and occupiers of all adjacent properties and electricity powerlines traversing such properties of:
 - (i) all known details of the proposed open burning;
 - (ii) the right of owners and occupiers of adjacent properties and electricity powerlines traversing such properties to lodge written objections to the proposed open burning with the municipality within 14 days of being notified; and
 - (iii) the administrative fee that has been paid to the municipality.
- (2) The Council may not authorise open burning:
 - (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately addressed or fulfilled; or
 - (b) where a warning under section 10(1)(b) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region.
- (3) The provisions of this section shall not apply to:
 - (a) recreational outdoor activities on private premises or residential areas; and
 - (b) controlled fires in dwellings for the purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

10. Emissions Caused by Burning of Industrial Waste, Domestic Waste and Garden Waste in Waste Bins or Skips on Any Land or Premises

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any land or premises, for the purpose of disposing of that waste, is committing an offence unless the industrial, domestic or garden waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

11. Emissions Caused by Tyre Burning and Burning of Rubber Products and Cables in Open Spaces

- (1) No person may carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for any purpose, for the purposes of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, of the rubber products or cables as waste.

- (2) Any person who contravenes subsection (1) commits an offence.

12. Pesticide Spraying Emissions

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) A person who carries out the spraying of pesticides, either by tractor or aerial, within the municipal jurisdiction, must comply with the following control measures:
- (a) obtain a prior written authorisation from the Council, which authorisation may be granted valid for a period of 12 months from the date of issue;
 - (b) notification in writing of all the owners and occupiers of adjacent properties (including surrounding communities) of the treatment area of:
 - (i) the details of the proposed treatment area;
 - (ii) the reason for the pesticide use;
 - (iii) the active ingredient;
 - (iv) the dates or months of the pesticide use;
 - (v) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (vi) the right of owners and occupiers of adjacent properties (including surrounding communities) to lodge written objections to the proposed spraying of pesticides with the Council within 14 days of being notified; and
 - (viii) the administrative fee has been paid to the municipality.
- (3) The Council must notify in writing, within 30 days, the applicant and all registered affected parties about a decision on an application.
- (4) The authorisation issued in terms of subsection (1) must specify-
- (a) the person to whom it is issued;
 - (b) the areas on which the pesticide may be applied;
 - (c) the dates or months of the pesticide spraying;
 - (d) the period for which the authorisation is issued;

- (e) measures which are necessary for the protection of the environment.
- (5) Any person who contravenes subsection (2) commits an offence.
- (6) A person may apply to the Council for an exemption if the spraying of the pesticide is for:
 - (a) the management of pests that transmit human diseases or adversely impact agriculture or forestry;
 - (b) the management of pests that threaten the integrity of sensitive ecosystems; or
 - (c) the need for the use of the pesticide is urgent.
- (7) The provisions of this section are not applicable to:
 - (a) residential areas;
 - (b) buildings or inside buildings and the domestic use of pesticides; or
 - (c) any other defined area or defined activity to which the Council has declared this section not to apply.

13. Spray Painting Emissions

- (1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside approved spray painting room or booth.
- (2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any substance unless:
 - (a) that person is in possession of a spraying authorisation contemplated in subsection (1);
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.
- (3) A person that contravenes subsections (1) and (2) commits an offence.
- (4) Any person who wishes to obtain a spraying authorisation must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.

- (5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorisation contemplated in subsection (1) based on the information submitted.
- (6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements in Schedule 5 to this by-law.
- (7) The designated fire officer may cancel the spraying authorisation if there is reason to believe that the holder of the spraying authorisation contravenes or fails to comply with any provision of this by-law.
- (8) Subject to subsection (9), before the designated fire officer cancels the spraying authorisation as contemplated in subsection (7), that officer must:
 - (a) give the holder of the spraying authorisation written notice of the intention to cancel the spraying authorisation and the reasons for such cancellation;
 - (b) give the holder a period of at least 30 days to make written representations regarding the matter to the municipality.
- (9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorisation may endanger any person, that officer may cancel the spraying authorisation without prior notice to the holder as contemplated in subsection (7).

14. Noise Pollution Management

Prohibition of noise nuisance

- (1) Where it shall cause a noise nuisance, a person shall not:
 - (a) operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
 - (b) allow an animal owned or controlled by him to make noise;
 - (c) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential zone or premises;
 - (d) erect, demolish or alter a building or structure, or allow it to be erected, demolished or altered if it affects a residential zone or premises unless permission is granted by the municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise, if building operations are to be carried out outside of these hours then an exemption is required;
 - (e) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be used or discharged, except with the prior consent in writing

of the municipality and subject to such conditions as the municipality may deem necessary, save as such person may otherwise be authorised in law to use or discharge;

- (f) on a piece of land or in water or in airspace above water or in airspace above a piece of land used for recreational purposes:
 - (i) operate a recreational vehicle; or
 - (ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or such airspace;
- (g) except in emergency situations, emit a sound, or cause or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) drive a vehicle on a public road;
- (i) use any power tool or power equipment used for construction purposes, drilling or demolition work, or allows it to be used, in or near a residential area, unless permission was granted by the municipality to conduct normal construction or repair work to public and private property.

Land Use

- (2) A person shall not:
 - (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) or the outdoor continuous equivalent night-time rating level ($L_{R,n}$) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
 - (b) construct or erect any building or make changes to existing facilities on a premises which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
 - (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that

either the outdoor equivalent day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) and/or the outdoor equivalent continuous night-time rating level ($L_{R,n}$), will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or

- (d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, as amended, which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.
- (3) The municipality may:
- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the municipality. The report should prove that either the outdoor equivalent continuous day/night rating level ($L_{R,dn}$), the outdoor equivalent continuous day-time rating level ($L_{R,d}$) and the outdoor equivalent continuous night-time rating level ($L_{R,n}$) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, shall be conducted in accordance with SANS 10103 or other applicable documentation; or
 - (b) if excavation, earthmoving, pumping, drilling, construction, or demolition, or any similar activity, power generation or music causes or may cause a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.

Motor Vehicles

- (4) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds:
- (a) in the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
 - (b) in the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.

- (5) The municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or driver of the vehicle:
- (a) to stop the vehicle or cause it to be stopped; and
 - (b) to have any appropriate inspection or test, as the municipality may deem necessary, conducted on the vehicle on the roadside where it was stopped or on a place, date and time determined by the municipality in writing.
- (6) The authorised person must, prior to any testing being undertaken in terms of subsection (6)(b) inform the driver of the vehicle that:
- (a) the vehicle has been stopped to test it in terms of this by-law for noise nuisance;
 - (b) the vehicle is being detained for the purpose of such testing;
 - (c) if the results of such testing indicates noise nuisance from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law; and
 - (d) A person who fails to comply with a direction given under subsection (6)(a) commits an offence.
- (7) An inspection done in terms of subsection (6)(b) shall be carried out:
- (a) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (b) within 1 hour of the vehicle being stopped in accordance with the direction of the authorised person.
- (8) If, after conducting a sound level test, the authorised person is satisfied that the vehicle:
- (a) is not exceeding the permitted sound levels prescribed in subsection (5), then the authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven or used in contravention of subsection (5); or
 - (b) is exceeding the permitted sound levels prescribed in subsection (5), the authorised must issue the driver of the vehicle with a repair notice within specified period of time in accordance with subsection (9).
- (9) A repair notice must:

- (a) direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period; and
 - (b) contain, amongst others, the following information:
 - (i) the make, model and registration number of the vehicle;
 - (ii) the name, address and identity number of the driver of the vehicle; and
 - (iii) if the driver is not the owner, the name and address of the vehicle owner.
- (10) A person commits an offence under this section if the person fails:
- (a) to comply with the repair notice referred to in subsection (10)(a);
 - (b) to take the vehicle for re-testing as referred to in subsection (10)(a).
- (11) It shall not be a defence in proceedings under subsection (11) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.
- (12) The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended, where the owner of the vehicle fails:
- (a) to comply with a repair notice issued in terms of subsection (9)(b); or
 - (b) to take the vehicle for re-testing as required by subsection (10)(a).

Music, open-air music festivals, shows, inclusive of air shows and similar gatherings

- (13) (a) No person may stage any open-air entertainment festival, such as, but not limited to a show, an air show, music concert, festival, sports event or similar gathering without a prior written consent of the municipality.
- (b) If any music causes or may cause a noise nuisance, the municipality may instruct in writing that such music be discontinued until such conditions as the municipality may deem necessary have been complied with.
- (c) Subject to the provisions of paragraph (b) and applicable provisions of the any other law, the municipality may attach any instrument and/or equipment used to generate music if no permission has been obtained as required by paragraph (a).
- (d) An instrument and/or equipment attached under paragraph (c) shall be kept in safe custody by the municipality.

- (e) The municipality may lift the attachment contemplated in paragraph (c) if the owner or person in control of the instrument and/or equipment has applied for permission in terms of paragraph (a).
- (f) This subsection is not applicable to:
 - (i) churches;
 - (ii) schools;
 - (iii) other education facilities; or
 - (iv) any other defined area or activity to which the Council has declared this subsection not to apply.

General prohibitions

- (14) Any person who:
- (a) fails to comply with the provisions of this section;
 - (b) fails to comply with a written condition, instruction or notice issued by the municipality in terms of this section;
 - (c) tampers 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 the municipality;
 - (d) in respect of a duly authorised person of the municipality:
 - (i) fails or refuses to grant admission to such official to enter and to inspect the premises;
 - (ii) fails or refuse to give information which may lawfully be required of him or her to such official;
 - (iii) hinders or obstruct such official in the execution of his or her duties; or
 - (iv) gives false or misleading information to such official knowing that it is false or misleading,
- is guilty of an offence.

General powers of the municipality

- (15) An authorised person may:

- (a) for the purposes of applying this section, at any reasonable time enter premises upon reasonable notice to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient and to take any steps it may deem necessary;
- (b) if a noise emanating from a premises, vehicle, recreational vehicle or private area is a noise nuisance or disturbing noise, instruct in writing:
 - (i) the person causing such noise or who is responsible for the infringement;
 - (ii) the owner, tenant or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate; or
 - (iii) all such persons,to discontinue or cause to be discontinued such noise or to take steps to or apply appropriate remedies to lower the level of such noise to a level conforming to the requirements of this by-law within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road by vehicles that are not used as recreational vehicles;
- (c) if the noise is caused by an animal, and the owner or person in charge of that animal fails to comply with an instruction referred to in subsection (16)(b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) 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 the municipality's jurisdiction for the enforcement of the provisions of this by-law: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

15. Emissions that Cause a Nuisance

Prohibition

- (1) Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists must take measures to contain emissions that cause a nuisance.

- (2) Any occupier or owner of premises that fails to comply with subsection (1) commits an offence.

Abatement notice

- (3) An authorised person may serve an abatement notice on any person, whom he or she reasonably believes is likely to commit or has committed an offence under subsection (2), calling upon that person:

- (a) to abate the nuisance within a period specified in the notice;
- (b) to take all necessary steps to prevent a recurrence of the nuisance; or
- (c) to comply with any other conditions contained in the notice.

- (4) For the purposes of subsection (3), an authorised person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

- (5) An abatement notice under subsection (3) may be served:

- (a) upon the owner or any person, by:
 - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
 - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
- (b) upon the occupier of the premises, by:
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

- (6) Any person who fails to comply with an abatement notice served on that person in terms of subsection (5) commits an offence.

- (7) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (6) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

Steps to abate nuisance

- (8) The municipality may at any time and at its own cost take reasonable and lawful steps to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 3**GENERAL MATTERS****16. Appeals**

Any person may appeal against any decision taken under this by-law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000, as amended.

17. Offences and Penalties

- (1) Any person who contravenes section 4(9), 8(2), 9(1), 14(6)(d), 14(10), 14(14) or 15(2) shall be liable on conviction to imprisonment for a period not exceeding 6 months or to a fine or to both a fine and such imprisonment.
- (2) Any person who contravenes section 6(2), 8(5), 8(13), 12(5), 13(3) or 15(6) shall be liable on conviction to imprisonment for a period not exceeding 2 years or to a fine or to both a fine and such imprisonment.
- (3) Any person who contravenes section 10 or 11(2) shall be liable on conviction to imprisonment for a period not exceeding 1 year or to a fine or to both a fine and such imprisonment.
- (4) It is an offence to:
- (a) supply false or misleading information to an authorised person in respect of any matter pertaining to this by-law, or;

- (b) refuse to co-operate with the request of an air quality officer or authorised person made in terms of this by-law and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine and imprisonment.
- (5) Where no specific penalty is provided, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding 1 year or to a fine or to both imprisonment and a fine.
- (6) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (7) Any person who commits continuing offences shall be guilty of a separate offence each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.

18. Enforcement

- (1) The Council may appoint so many authorised persons as it may consider necessary to be responsible for compliance and enforcement monitoring of this by-law.
- (2) The authorised persons shall take all lawful, necessary and practicable measures to enforce the provisions of this by-law.

19. Exemptions

- (1) Any person may, in writing, apply for exemption from the provisions of this by-law to the Council.
- (2) An application referred to in subsection (1) above must be accompanied by written reasons.
- (3) The Council may grant a provisional exemption in writing from one or all of the provisions of the by-law, provided that the Council:
 - (a) is satisfied that granting the exemption will not prejudice the objectives referred to in section 2; and
 - (b) grants any exemption subject to conditions that promote the attainment of the objectives referred to in section 2.
- (4) The Council must not grant an exemption under subsection (1) until it has satisfied itself has:

- (a) taken measures to ensure that all persons whose rights may be significantly
 - (b) detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers (including surrounding communities), are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided such persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.
- (5) The Council may:
- (a) from time to time review any exemptions granted in terms of this section; and
 - (b) on good grounds withdraw any exemption.

20. State and Council Bound

This by-law is binding on the State and the Council except in so far as any criminal liability is concerned.

21. Short Title

This by-law is called the Air Quality Management By-Law, 2018

22. Commencement

- (1) This by-law will come into operation on a date or dates to be determined by the Council by publication in the *Provincial Gazette*.
- (2) Different dates may be determined in terms of subsection (1) above for different provisions of the by-law

SCHEDULES**Schedule 1****List of Substances and its Associated Local Emission Standards
(section 5(1))**

Victor Khanye Local Municipality will adopt the attached list of substances and associated standards as identified by the Nkangala District Municipality in its Air Quality Management by-law of 2015, promulgated on June 2016. This is provided for in the National Environmental Management: Air Quality Act (Act No 39 Of 2004), Section 11(1)(a)(b) and (11)(2)

Schedule 2

Application Form to Operate Small Boiler

Name of Enterprise: _____

Declaration of accuracy of information provided:

I, _____, declare that the information provided in this application is in all respect factually true and correct.

Signed at _____ on this _____ day of _____

SIGNATURE

CAPACITY OF SIGNATORY

I, _____ owner/occupier of the land/property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to operate a small boiler on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Serial number, product name and model of the small boiler

Serial Number	Product Name	Product Model

--	--	--

3. Raw materials used

Raw materials used	Maximum permitted consumption rate (volume)	Design consumption rate (volume)	Actual consumption rate (volume)	Units (quantity/period)

4. Energy used

Energy source	Sulphur content of fuel (%) (if applicable)	Ash content of fuel (%) (if applicable)	Maximum permitted consumption rate (volume)	Design consumption rate (volume)	Actual consumption rate (volume)	Units (quantity/period)

5. Point source parameters

Unique stack ID	Point source name	Height of release above ground	Height above nearby building [m]	Diameter at stack tip / vent exit [m]	Actual gas exit temperature	Actual gas volumetric flow	Actual gas exit velocity [m/s]

6. Point source emissions

Unique stack ID	Pollutant name	Average annual release rate			Emission hours [e.g. 07H00 – 17H00]	Type of emission [continuous/i ntermittent]

7. Signature

Signature of the Applicant

Date of Application

8. Office Use Only

8.1. Authorised Person: Site Inspection Observations

8.2. Authorised Person: Recommendations

8.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

Schedule 3

Application Form for Open Burning (Section 11(1))

I, _____ owner / occupier of the land / property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to burn the following materials on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Description of the extent of the areas to be burned

3. Types of materials to be burned

(a)	
(b)	
(c)	
(d)	
(e)	

4. Reasons for burning materials

5. Air quality impacts in the local area

6. Approximate date and time to burn materials

Date	Time

7. Notification of adjacent owners and occupiers (including surrounding communities)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the open burning, and their rights to lodge any written objections to the municipality.

8. Signature

Signature of the Applicant

Date of Application

9. Office Use Only

9.1. Authorised Person: Site Inspection Observations

9.2. Authorised Person: Recommendations

9.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

Schedule 4

Application Form to Undertake Pesticide Spraying (Section 15(2)(a))

I, _____ owner(s) / occupier(s) of the land / properties known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to spray pesticides on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Description of the extent of the proposed treated area(s)

3. Types of product label to be used

(a)	
(b)	
(c)	
(d)	
(e)	

4. Air quality impacts in the local area

5. Dates or months for pesticide spraying

Dates or Months	

6. Notification of adjacent owners and occupiers (including surrounding communities)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed pesticide spraying, and their rights to lodge any objections to the municipality. The notification must clearly specify (a) the extent of the proposed treatment area; (b) reasons for pesticide use; (c) the active ingredient; (d) dates or months for pesticide spraying; (e) time, if any, indicated on the product label specifying when the area can safely be re-entered after application; (f) adjacent owners and occupiers' right to lodge written objections within 14 days to the municipality.

7. Signature

Signature of the Applicant

Date of Application

8. Office Use Only

8.1. Authorised Person: Site Inspection Observations

8.2. Authorised Person: Recommendations

8.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

Schedule 5

Spray Booth Construction (Section 16(4))

Construction

Such activities must be conducted in a spray booth or spray cabinet specifically designed for the purpose. It must be constructed of non-combustible material.

Ventilation

Spray Booth

Every spray booth shall be provided with a mechanical ventilation system which must be capable of moving the air in the occupied zone at not less than:-

0,5 m/ s where the air is horizontally supplied and extracted.

0,4 m/s where the air is introduced through the roof and extracted through slots along the edge of the walls at floor level.

0,3 m/s where the air is supplied through the roof and extracted through a grill over the whole of the floor area.

Spray Cabinets

Where spray cabinets are used (i.e. where the operator stands in front and sprays through an opening into a cabinet), the following minimum air flow must be maintained through an opening.

1 m/s for opening up to 0,9m²

0,75 m/s for opening between 0,9 and 1,8m²

0,5m/s for opening exceeding 1,8m²

Lighting

A spray booth must be fitted with a non-operable inspection window of strengthened and shatterproof of glass. Every employer shall ensure that his spray booth is lighted in accordance with the illuminance values as specified below. (Only incandescent electric lights which are enclosed in outer flame and vapour- proof fittings may be installed).

Types of Activity	Illuminance (LUX)
• Rubbing, dipping, ordinary painting	200
• Fine painting, spraying and finishing	300
• Retouching and matching	500

Fume Extraction System

All extraction systems must be designed and commissioned by competent engineers to ensure that the total extraction from any room is balanced by adequate ingress of fresh air into works room.

All ducts and enclosures in connection with the extraction system through which the fumes have to pass must be constructed of non combustible materials with the interior having a smooth surface.

The fume extraction system must be kept in full operation while spraying done and for any additional time required to clear the fumes from the room.

The blades of any fan used in the spray booth or spray cabinet shall be of non-ferrous metal. Suitable filters must be provided at the point of extraction.

The point of discharge must be positioned so as to ensure that such air does not contaminate any air which is likely to be drawn into ventilate any existing building.

Personal Protection Equipment

Manager shall ensure that workers actively involved in spraying operations are provided with approved respirators or breathing apparatus. When paints containing isocyanate are used a positive pressure air fed face mask should be worn. Chemical absorption canisters should not be relied on because of their limited effective life.

General

In addition to the above, it is also necessary to comply with the requirements as laid down by the Chief Fire Officer.

PROVINCIAL NOTICE 156 OF 2019**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws for Mkhondo, Chief Albert Luthuli and Victor Khanye local municipalities, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matters per local municipality, namely:

Mkhondo Local Municipality

1. Municipal Management and Control of Informal Settlements
2. Fire Brigade Services

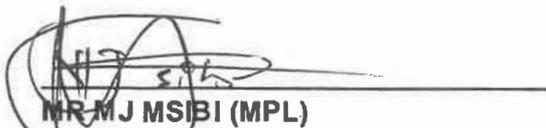
Chief Albert Luthuli Local Municipality

1. Prevention and Suppression of Nuisance

Victor Khanye Local Municipality

1. Air Quality

Given under my hand at Mbombela, on 2/12/ 2019



MR. M.J. MSIBI (MPL)

**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

Chief Albert Luthuli Municipality

*The transparent, innovative and developmental municipality
that improves the quality of life of its people*



THE PREVENTION AND SUPPRESSION OF NUISANCE BY-LAW

2019



CONTROL SHEET	
<i>Policy Number</i>	42/2018
Policy Name	Chief Albert Luthuli Local Municipality Prevention and Suppression of Nuisance By Law
Policy Status	New
Date of last Approval	New
Policy/By Law review / Development	By Law to be reviewed when necessary or when circumstances necessitate.
Date of next review	This By Law shall remain effective until such time approved otherwise by Council
Purpose	The purpose of the Prevention and Suppression of Nuisance By Law is to regulate unreasonable interferences such as noise, violence, litter and blockage of roads.
Aims and objectives	This By Law aims to provide the control with regards to the disturbance of peace and offences against decency and morality.
Policy custodian	Corporate Services: Legal Section
Related Policies and Legislations	<ul style="list-style-type: none"> • Constitution of the Republic of South Africa (Act 108 of 1996). • Municipal System Act 32 of 2000 • Municipal Structure Act (Act 117 of 1998).
Approving authority	Council
Applicability	This by law applies to all citizens within the jurisdiction of the Chief Albert Luthuli Municipality
Amendments to the Policy	<ul style="list-style-type: none"> • None
Policy Benchmark and References	Msukaligwa Local Municipality
Stakeholders Consulted	All CALM Departments, Citizens within the Chief Albert Luthuli Municipality
Accountability	The Municipal Manager is accountable for the proper implementation of this By Law in terms of the Municipal Systems Act (Act 32 of 2000).

THE PREVENTION AND SUPPRESSION OF NUISANCE BY-LAW

In terms of section 156 of the Constitution of the Republic of South Africa (Act 108 of 1996) read in conjunction with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), Chief Albert Luthuli Municipality made the following By-law which By-law shall come into operation on the date of publication of this notice.

(1) DEFINITIONS

(1) In these By-laws, unless the context otherwise indicates -

“**Council**” means the Chief Albert Luthuli Local Municipality and its successor in law, and includes the Council or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

(3)

(2) DISTURBANCE OF THE PEACE

No person shall disturb the public peace in any public place by making unseemly noises or by shouting, roaring, wrangling or quarrelling, or by collecting a crowd, or by fighting or challenging to fight, or by striking with or bandishing or using in a threatening manner any stick or other weapon, or by any other riotous, violent or unseemly behaviour, at any time of the day or night.

(3) SUBJECT TO OBTAINING PRIOR WRITTEN APPROVAL OF THE COUNCIL

3.1 No person shall advertise any wares or services in any public place by means of any megaphone, loudspeakers or other similar device, or ringing of bells in such manner to constitute a public nuisance in the neighbourhood. i. No person, being in or on any private premises, shall disrupt the public peace in the neighbourhood of

such premises by making therein or thereon any unseemly noise, shouting, quarrelling, wrangling or singing or the continuous playing of musical instruments, radios or

The like or by the continuous or over-loud use of loudspeakers, or the like.

3.2. Any itinerant vocalist or musician performing in any public place shall, when so required by any protection officer or police officer or by any person residing in the neighbourhood where such vocalist or musician is performing, depart from such neighbourhood.

3.3 No person shall discharge fireworks or light any bonfire in any public space, without prior written permission of the Council.

3.4. No person shall, without lawful cause, discharge any firearm or airgun within the Municipality, provided that this By-law shall not apply to any persons engaged in authorised target practice in places set aside for that purpose or to any person to whom written permission to do so has been given by the Council. No person shall carry any knife, dagger or other dangerous weapon or any other lethal

Weapon in any public place, provided that this By-law shall not apply to the following:

3.5. Any person in the Military or Police service when on duty.

3.6 Any security officer or police officer.

3.7 Any person who shall have obtained from the police a written exemption from the Operation of this By-law, which exemption the police are hereby authorised to grant.

3.8 No persons armed with lethal weapons shall be permitted to congregate in any part of the Municipality for any purpose or in any manner liable or calculated to cause a breach of the peace.

3.9. No person shall, in any public place, use any abusive or threatening language or commit any act which is liable or calculated to cause a breach of the peace.

3.10 No person shall engage in drag racing, spinning and over raving of cars and/or bikes, excessive hooting in any area of the Chief Albert Luthuli Municipal jurisdiction.

4. OFFENCES AGAINST DECENCY AND MORALITY

(1) No person shall, in any public place, commit any indecent or immoral gesture or act or wilfully and obscenely expose his person.

(a) No person shall appear in any public place without being decently clothed.

- (b) No person shall be or appear in any public place in a state of intoxication.
- (c) No person shall write, print, or draw any obscene or indecent words or figures in any public place or upon any wall, door, window or other part of premises in or within sight of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.
- (d) No person shall litter upon any street or footpath, which might in any way endanger the safety of pedestrians, or pollute the environment.
- (e) No person shall allow any goods or other article, whether they be his own property or in his charge or custody, to be or remain in or on any street or footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be necessary for loading and unloading, and in no case after receipt of a notice requiring him to remove same given by any security officer, police officer or authorised official.
- (f) No person shall, for trading or any other purpose, place any goods, wares or articles on any stand or support on or overhanging or protruding over any pavement or street, nor place such goods, wares or articles upon any pavement, nor place, fix or hang such goods, wares or articles upon any verandah post, stays or ceiling on or over any public footpath or street.
- (g) No person shall carry on or take part in any trade or calling nor open, unpack or pack any cases, furniture, goods, materials or merchandise in any street.
- (h) No person shall place any flower pot or box or other heavy article in any window or upon any window sill in any building abutting on any street or pavement unless proper precautions are taken to prevent such flower pot box or other heavy article from being blown or falling into or on to such street or pavement.
- (i) No person shall hold any auction sale in any street or in or from any doorway, window or other opening of any premises abutting on any street without the written consent of the Council and then only subject to such conditions as may be imposed in such consent.
- (j) No person shall place or deposit any slops, trimmings of hedges, fences or trees or any garden or other refuse or waste material of any kind on any street or pavement

Unless same is placed in approved boxes or receptacles for the purpose of removal
By the Council's employees or contractors.

(k) No person shall urinate in public.

(l) the breaking of bottles in the public is strictly prohibited.

(m) (A) No person, other than a person appointed for the purpose by a registered Welfare organisation which has been authorised by the Council to cause a collection of money to be taken or to hold a cake sale on its behalf in any public place, shall Collect or attempt to collect money or hold such cake sale in any public place.

(b) Every welfare organisation desiring to obtain the authority of the Council for any such collection or cake sale on his behalf shall, make a written application to the Council therefor, and shall, if required by the Council, forward the following Documents:

(i) Its certificate of registration.

(ii) A copy of its balance sheet for the preceding financial year.

(c) The Council upon receipt of any such application, may either grant the Application or refuse it. If granted, the authority shall be subject to such conditions as

The Council may prescribe.

(l) (A) No person, being the owner or occupier of any premises abutting on any Street or footpath shall permit any tree, branch or shrub growing on such premises to Overhang or extend onto such street or footpath in such manner as to cause an Obstruction or discomfort to the public, or to come into contact, or to be likely to Come into contact with any wire, pole or public work in or over such street or Footpath, nor permit the roots of any such tree or shrub to grow to such an extent that

They cause or are likely to cause, any damage to the surface of any footpath or street

Or to any drain, sewer, water main, underground cable or pipe laid in or under the Surface of such footpath or street.

(2) The owner or occupier of any such premises shall upon receipt of a notice signed by the Municipal Manager requiring him to cut down or back or remove any such tree or shrub or the roots thereof within a time specified; and if such owner or occupier Shall fail to comply with such notice within such time specified therein the Council

May cause such tree or shrub or the roots thereof to be cut down or back or removed,

And may recover the cost of executing such work from such owner or occupier.

5. OFFENCES AND PENALTIES

Any person who: contravenes or fails to comply with any provision of these By-laws or of any term, condition, restriction, requirement notice or order imposed or issued in terms thereof; resists, hinders, obstructs, molests, or interferes with any officer or employee of the Council in the performance of his duties or the exercise of his powers under these By-laws; or causes or permits any other person to commit any of the aforesaid acts -shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand rand, or in default of payment of any fine imposed, imprisonment for a person not exceeding six months.

6. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

7. REPEAL

The By-laws relating to the Nuisances for the Chief Albert Luthuli Local Municipality, are hereby repealed and replaced by this by-law, which are to become effective on promulgation hereof.

PROVINCIAL NOTICE 157 OF 2019**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws for Mkhondo, Chief Albert Luthuli and Victor Khanye local municipalities, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matters per local municipality, namely:

Mkhondo Local Municipality

1. Municipal Management and Control of Informal Settlements
2. Fire Brigade Services

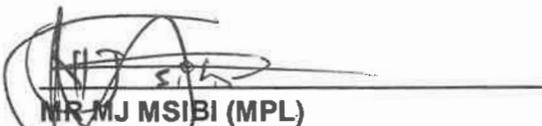
Chief Albert Luthuli Local Municipality

1. Prevention and Suppression of Nuisance

Victor Khanye Local Municipality

1. Air Quality

Given under my hand at Mbombela, on 20/12/ 2019



MR M.J. MSIBI (MPL)

**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**



MKHONDO LOCAL MUNICIPALITY

MUNICIPAL MANAGEMENT AND CONTROL OF INFORMAL SETTLEMENTS BY-LAW

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended, read with sections 156 and 162 of the Constitution of the Republic of South Africa Act, No. 108 of 1996, as amended, that Mkhondo Local Municipality resolved to adopt the following Municipal Management and Control of Informal Settlement By-law.

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8. Disposal of building materials and personal property
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10. Application of By-laws
11. Date of commencement
12. Short title

1. Definitions.—In these By-laws, unless the context otherwise indicates—

“authorized informal settlement” means any informal settlement which is recognized by the Municipality as an authorized informal settlement and which is regarded as a transit camp to house landless people who will be ultimately relocated to a formally established township;

“consent” means the express or implied consent of the owner or person in charge to the occupation of land by a resident of a shack irrespective of whether such consent was given in writing or otherwise;

“court” means any division of the High Court or the Magistrate's Court in whose area of jurisdiction the land is situated;

“eviction” means the permanent removal, in accordance with the provision of a court order, of a person and his or her property from occupation of a shack or the land on which the shack is constructed, and includes a demolition and removal from the land of any building materials used to construct the shack, and **“evict”** has a corresponding meaning;

“head of the household” means—

(a)

the father in a household, where the father and mother of the household are legally married;

(b)

the single parent, where the household has only one parent with dependants living permanently with him or her in the household; and

(c)

any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

“informal settlement” means one shack or more constructed on land with or without the consent of the land owner or the person in charge of the land;

“land” means any land within the area of jurisdiction of the Municipality, irrespective of whether such land belongs to the National Government, the Provincial Government, the Municipality or a private individual, company or other legal entity;

“land invasion” means the illegal occupation of land or any settlement or occupation of people on land without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;

“Land Invasion Reaction Unit” means a group of officers or workers consisting of any combination of one or more of the following components—

(a)

members of the South African Police Services;

(b)

members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area;

(c)

members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and

(d)

any combination of employees of the Municipality,

which group is designated by the Municipality to assist the Senior Manager: Housing in the execution of his/her duties and to execute any eviction order contemplated by section 4 to terminate an unauthorized informal settlement;

“Municipal Manager or his representative” means the official assigned in terms of section 2;

“Municipality” means Mkhondo Local Municipality established in terms of section 12 of the Municipal Structure Act, No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in connection with these By-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“owner” means the registered owner of land, irrespective of whether such owner is the National Government, the Provincial Government, the Municipal or Private individual, company or other legal entity;

“person in charge”, in relation to land, means a person who has the legal authority to give permission to other person to enter or reside on that land;

“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 No. 103 of 1977) and the regulations promulgated under that Act and which is primarily used for residential purposes; and

“unauthorized informal settlement” means any settlement which is not recognized by the Municipality as an authorized informal settlement which will be demolished and removed in terms of these By-laws.

2. Assigning official to perform functions relating to informal settlement.—

The municipality may assign one of its officials from Housing Division to manage and control all the informal settlement in accordance with the provisions of these By-laws, otherwise the duties in these By-laws are executed by the Municipal Manager or his representative.

3. Duties in respect of informal settlements.—The Municipal Manager or his representative must—

(1) conduct regular survey to determine the location, origin and extent of and the conditions prevailing in each informal settlement;

(2) monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;

(3) undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the municipality;

(4) keep a register of all the residents who are entitled to reside in each authorized informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement—

(a)

the number allocated to the stand or site on which the shack is constructed;

(b)

the names, and identity number of the head of the household who is entitled to occupy the shack;

(c)

the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;

(d)

the reference number of the municipal file that contains a copy of the contractual agreement in respect of the shack;

- (e) the number of the shack's rental account;
- (f) the number of the shack's municipal services account;
- (g) the previous address of the household that is entitled to occupy the shack; and
- (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack;
- (5) ensure that all residents living in an authorized informal settlement are registered in the Municipality's Housing Demand Data Base;
- (6) submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the municipality;
- (7) for the purpose of informing residents of informal settlements and all other persons visiting informal settlements, ensure that—
- (a) the contents of these By-laws are communicated to all residents of every informal settlement; and
- (b) a copy of these By-laws is posted and maintained in every informal settlement in a prominent place at the venue where the residents' committee contemplated in section 6 usually holds its meeting;
- (8) allocate to each site or stand in an authorized informal settlement an individual number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- (9) perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

4. Incidents of land invasion.—(1) The Municipal Manager or his representative must, within a period of 24 hours after he or she becomes aware of an incident of

land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not—

(a)

make a determination of the status of the informal settlement as an authorized or an unauthorized informal settlement; and

(b)

inform the residents of the informal settlement of the status of the informal settlement in accordance with section 5 or section 7, whichever is applicable in the circumstances.

(2) In the event of the status of an informal settlement completed in subsection (1) being determined as an authorized informal settlement, the Municipal Manager or his representative must deal with the matter in accordance with the provisions of section 5.

(3) In the event of the status of an unauthorized informal settlement, the Municipal Manager or his representative must deal with the matter in accordance with the provisions of section 7.

5. Procedures relating to the management and control of authorized informal settlement.—(1) As soon as a determination of the status of an authorized informal settlement has been made and within the period contemplated in section 4 (1), the Municipal Manager or his representative must, personally or through any other Council official designated by the Municipal Manager to assist him or her for that purpose, visit the informal settlement and notify the residents of the status of the authorized informal settlement in the manner contemplated in section 6 (2) or by means of a letter delivered in the circumstances.

(2) The Municipal Manager or his representative must compile a comprehensive register of all the residents who are entitled to reside in the authorized informal settlement contemplated in subsection (1), and the following details must be entered in respect of each shack in the authorized informal settlement—

(a)

the number allocated to the stand or site on which the shack is constructed;

(b)

the name and identity number of the head of the household who is entitled to occupy the shack;

(c)

the names, identity numbers and relationship to the head of the household of each and every other person occupying the shack as a member of the household;

(d)

the reference number of the file of the Municipal Manager or his representative that contains a copy of the contractual agreement in respect of the shack;

(e)

the number of the shack's rental account;

(f)

the number of the shack's municipal services account;

(g)

the previous address of the household that is entitled to occupy the shack; and

(h)

the names, address and telephone numbers, if any, of at least two family members of the head of the household that is entitled to occupy the shack.

(3) The Municipal Manager or his representative must ensure that the names, addresses and other relevant details of all residents living in an authorized informal settlement contemplated in subsection (1) are registered in the Municipality's Housing Demand Data Base.

(4) The Municipal Manager or his representative must allocate to each site or stand in an authorized informal settlement contemplated in subsection (1) a unique number as the temporary address of the site or stand and must ensure that the number is legibly painted or inscribed in a prominent place on the site or stand.

(5) The Municipal Manager or his representative must ensure that no new unauthorized shacks are constructed in the authorized informal settlement contemplated in subsection (1) and that no new unauthorized residents take up residence in the authorized informal settlement by implementing appropriate measure to manage, monitor and control the occupancy of residents in the authorized informal settlement in general.

(6) Any unauthorized occupancy in an authorized informal settlement contemplated in subsection (1) must be dealt with in accordance with the provisions of section 7.

(7) In respect of an authorized informal settlement contemplated in subsection (1), the Municipal Manager or his representative must ensure that—

(a)

the Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered by the Municipality to each registered shack in the authorized informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorized informal settlement; and

(b)

such an account is supplied to the head of the household of each registered shack in the authorized informal settlement.

6. Ward committees.—(1) The Ward Committee and the Manager or his representative, must meet on a regular monthly basis, and at such meetings the Municipality must consult the resident's committee on all matters relating to the authorized informal settlement and communicate matters of general concern to the residents of a collective basis. After such meetings, it is the sole responsibility of the Ward Committee to inform the individual residents of matters discussed at the meetings.

(2) Special meetings of residents may be convened from time to time by the Ward Committee to communicate with and inform the individual residents of matters relating to the authorized informal settlement.

(3) The Ward Committee must give notice of a meeting of the residents of the authorized informal settlement by placing the notice prominently at a venue whose location has been determined by the Ward Committee and communicated to the residents at an official meeting of the residents.

7. Procedures relating to the termination of unauthorized informal settlements.—(1) As soon as a determination of the status of an unauthorized informal settlement has been made and within the period contemplated in section 4 (1), the Municipal Manager or his representative must, personally or through any official designated—

(a)

Inform residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

(b)

Request the Municipal Manager to assist him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized settlement by means of a written notice hand-delivered to each shack in the informal settlement.

(2) The written notice contemplated in subsection (1) must notify the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.

(3) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Municipal Manager or his representative must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non- recurrence of such land invasion or illegal land occupation.

(4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Municipal Manager or his representative must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5).

(5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Municipal Manager or his representative must lodge an application in a competent court to obtain an Eviction Order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), against any person or persons jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.

(6) The Municipal Manager or his representative must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorized informal settlement.

(7) Any costs incurred by the Municipal Manager or his representative for the purposes of executing the provision of these By-laws be borne by the Municipality in accordance with its approved budget.

8. Disposal of building materials and personal property.—(1) In the execution of the provisions of section 7 (6), any building materials and other personal property belonging to a resident or occupier of a shack in a unauthorized informal settlement must be removed and stored in a safe place by the Municipal Manager or his representative.

(2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Municipal Manager or his representative, or a person designated by the Municipal Manager who must after deducting the

amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that—

(a)

subject to the laws governing the administration and distribution of estate, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and

(b)

any building materials or other personal property which is, in the opinion of the Municipal Manager or his representatives, valueless and unable to realize any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the Municipal Manager or his representative.

(3) The Municipal Manager or his representative must compile and maintain a register in which is recorded and appears—

(a)

Particulars of all buildings material or other personal property removed and stored in terms of these By-laws;

(b)

The date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and

(c)

the signature or right thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or

(i)

(ii)

full details of the amount realized on the sale of the building materials or other personal property in terms of subsection (2) and the date of the sale; and

(iii)

if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Municipal Manager or his representative to the effect that the building materials or personal property was valueless.

(4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any

resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

9. Prohibition of receipt or solicitation of consideration in respect of unlawful occupation of land.—(1) No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land.

(2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding R 5000.00 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(3) The court that convicts any person of a contravention of this section must order any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue Account.

(4) If any money or other consideration has been received in contravention of subsection (1), but has not been seized or made available for purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account. Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favour of the person or persons from whom the money or other consideration was received or in favour of the Municipality.

10. Application of By-laws.—This By-laws apply to all informal settlement within the area of this Municipality.

11. Date of commencement.—This By-laws will take effect on the day of publication.

12. Short title.—This By-law shall be called the Municipal Management and Control of Informal Settlements By-law.

PROVINCIAL NOTICE 158 OF 2019**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
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2. Fire Brigade Services

Chief Albert Luthuli Local Municipality

1. Prevention and Suppression of Nuisance

Victor Khanye Local Municipality

1. Air Quality

Given under my hand at Mbombela, on 2/12/ 2019



MR MJ MSIBI (MPL)**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**



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BY-LAWS

MUNICIPALITY OF MKHONDO
FIRE BRIGADE SERVICE BY – LAWS

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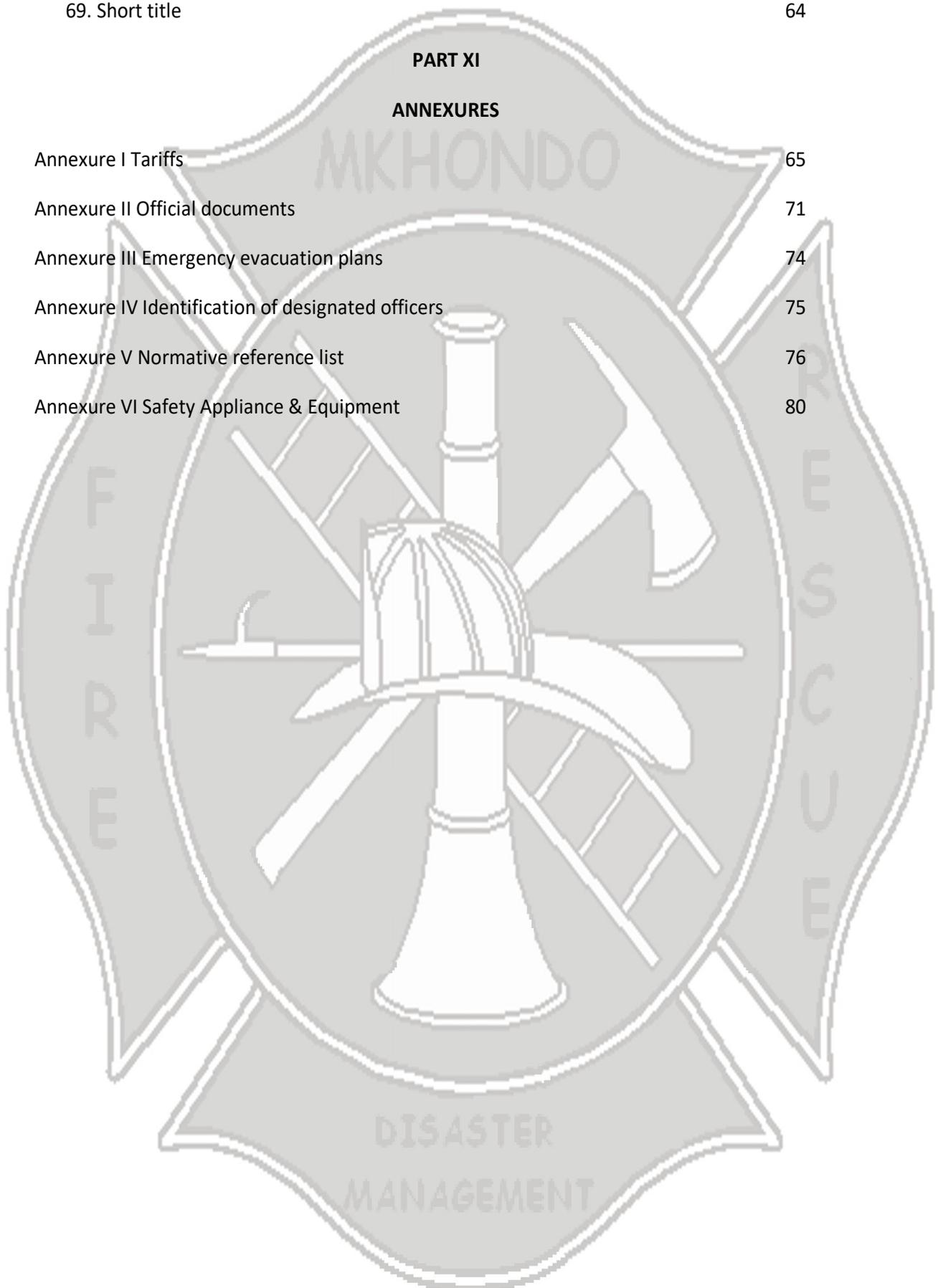
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FIRE BRIGADE SERVICE BY – LAWS

The purpose of these by-laws is to regulate all fire service and related matters in the jurisdiction of the Municipality of Mkhondo.

Be it enacted by the Municipality of Mkhondo as follows

PART I

DEFINITIONS

1. In these by-laws, unless the context indicates otherwise –
 - “**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 instillation and/or service installation;
 - “**animal**” means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;
 - “**approved**” means approved by Authority
 - “**area**” means any residential area or any other area within the boundaries of the Municipality;
 - “**authority**” means both Local Authority as well as refers to South African Maritime Safety Authority;
 - “**authorized agency**” means a governing body, club or organization designated under regulation 30(1) of the Merchant Shipping Regulations 2007;
 - “**authorized officer**” means a member of the Service authorized by the Chief Fire Officer to conduct certain duties;
 - “**building**” includes –
 - (a) Any structure, whether temporary or permanent, irrespective of the materials used in erection, erected or used for or in connection with –
 - (i) the accommodation or convenience of human beings and animals;
 - (ii) the manufacturing, processing, storage, display or sale of any goods;
 - (iii) the provision of any service;
 - (iv) the deconstruction 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, 1997 (Act 103 of 1997);

“category” in relation to a vessel, means the particular category of vessel determined as follows:

- (a) Category A – Vessel operating any distance from the shore
- (b) Category B – Vessel operating less than 40 nautical miles from shore
- (c) Category C – Vessel operating less than 15 nautical miles from shore
- (d) Category D – Vessel operating less than 5 nautical miles from shore
- (e) Category E – Vessel operating not more than 1 nautical mile from shore and 15 miles away from an approved launch site
- (f) Category R – Vessel operating solely on sheltered waters

“Certificate of appointment” means an identification document issued by the Local Authority to a member as set out in Annexure IV to these by-laws;

“certificate of competence” means a certificate, including any relative endorsement, issued by a certifying authority pursuant to regulation 16 (1) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 and entitling its lawful holder to act in the capacity and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned;

“Certificate of fitness” means a certificate contemplated in section 21 of these by-laws, which certificate has been issued by the Service and authorizes a person to occupy designated premises (which are a public building); Under the Water Safety section it refers to certificate issued under regulation 24 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007.

“certifying authority” means the Authority and, to the extent that it has been designated pursuant to regulation 30(1) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 to perform the functions of a certifying authority an, an authorized agency;

“Certificate of registration” means a certificate issued by the Service in terms of section 26 of these by-laws which authorizes a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of hazardous substances;

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade Service Act, 1987 (Act 99 of 1987), and includes any member who exercise 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;

“Code of practice” means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993);

“contravene” in a relation to a provision of these regulations, including failing or refusing to comply with that provision;

“controlled event” means a competition, event or regatta organized by a governing body or authorized agency, or a club or an organization affiliated with a governing body, and includes –

- (a) activities to prepare for the event that take place at the venue for the event and during the times specified by the organizer of the event;
- (b) practice for the event under the supervision of a coacher or an official approved by a governing body or authorized agency or a club or organization affiliated with a governing body;

“Controlling authority” means the local authority in control of the Service as defined in the Fire Brigade Service 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;

“decked” in relation to a vessel, means fully or partially decked’

“dive boat” means a vessel that is used in diving support activities;

“Designated officer” means the person designated in terms of section 22 of the Rationalization of Local Government Affairs Act 1998, (Act No. 10 of 1998); and a designated officer also means a traffic officer as defined in section 3 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) as amended

“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, labeling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped hazardous substances, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

“Discharge” means the ignition or activation of any fireworks whatsoever;

“Discharge 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;

“Dump” in relation to a grouped hazardous substance, means to deposit, discharge, spill or release that substance (whether or not the substance in questions is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released,

or deposited, discharge, spill or release it in such a way or place, or under such circumstances or for such 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;

“**emergency**” means an incident or eventually that poses or may pose a serious threat to any person 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 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;

“**enforcement officer**” means a police official, a safety officer subject to regulation 31(3) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 and any person designated as an enforcement officer by the SAMSA Authority;

“**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 or building;

“**existing vessel**” means a vessel that was built and used solely on inland waters before the commencement of these regulations;

“**explosive(s)**” means –

- (a) gunpowder, nitroglycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, colored 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 adaption or preparation of an explosive;
- (c) any other substance which the President may from time to time by proclamation in the Government Gazette declare to be an explosive;
- (d) a petrol bomb; and
- (e) any container; apparatus, instrument or article which –
 - (i) contains any flammable 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 hazardous substances, 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 into 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 provisions is made for fire protection as defined on SABS 090;
- “fire-fighting equipment”** means any portable fire extinguisher, hose reel or fire hydrant;
- “fire grading”** means, with regard to materials, components and elements used in the construction and finishing buildings, those materials, components and elements which have been tested and classified in accordance with SABS 0177, Parts II to V, as amended;
- “fire incident”** means a fire on any premises in the area;
- “fire installation”** means any water installation which conveys water solely for fire-fighting;
- “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 risk of limited buildings and remote urban areas.
- Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centers, informal settlements, harbors, dams, 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 risk.
- “fireworks”** means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosive Act, 1956 (Act 26 of 1956);
- “from shore”** in relation to –
- (a) a vessel that is, or is to be, operated in sheltered waters means –
 - (i) for sheltered waters referred to in paragraphs (a) and (b) of the definition of “sheltered waters” from the low-water-line referred to in paragraph (a) and
 - (ii) for any other sheltered waters from the water-line on the adjacent shore;
- “governing body”** means a national water sport governing body –
- (a) that publishes written rules and criteria in respect of conduct and safety requirements during skill demonstrations, formal training or controlled events
 - (b) that –
 - (i) certifies coaches and coaching programs

(ii) certifies officials and programs for officials or

(iii) recommends training and safety guidelines for certified coaches or officials

“grouped hazardous substance” means a group of hazardous substances as contemplated in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

“hazardous substance” 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 hazardous substance in terms of section 2(1) of the Hazardous Substances Act, 1973;

“inflatable” in relation to a vessel, means that buoyancy on water depends on separate inflated airtight chambers that are either completely collapsible or fitted with a rigid bottom section;

“inland waters” means declared inland waters as specified in a notice under section 3(9) of the Act Merchant Shipping Act

“inspector” means a member appointed as an inspector in terms of section 2(5) of the Explosive Act, 1956 to control fireworks in so far as the storage, use and sale of fireworks are concerned;

“kill switch” means a mechanism that is attached to the skipper or operator of a vessel and that stops the engines when a person loses his or her footing or becomes otherwise incapacitated.

“Law enforcement Officer” means a duly authorized officer appointed by the Municipality, a Traffic Officer, a Peace Officer or a member of the South African Police Services;

“major hazardous installation regulations” means the regulations published in Government Gazette No. R 60 dated 16 January 1998, as amended;

“member” means a member of the Service as contemplated in section 6 and 6A (5) of the Fire Brigade Service Act, 1987;

“Municipality” means the duly constituted Municipality of Mkhondo;

“Municipal Manager” means the person duly appointed by the Municipality or the person temporarily acting as such or is a duly authorized representative;

“National Building Regulations” means the regulations published by Government Notice R2378 of 12 October 1990 in Government Gazette 12780, as amended;

“night” means the period of time between sunset and sunrise

“normative reference list” means the list of South African National Standards, SABS specifications or codes of practice and other legislation 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”;

“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;

“operate” in relation to a vessel, means that the vessel is not safely ashore or made fast to a jetty, quay or mooring buoy

“overall length” in relation to a vessel, means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull of the vessel;

“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 purpose of section 18 of the Fire Brigade Service 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;

in relation to a vessel, includes –

- (a) a credit receiver or buyer in the case of a credit agreement in terms of the National Credit Act 2005 (Act No 34 of 2005) and
- (b) any person entrusted by the owner with the care and control of the vessel'

“passenger vessel” means a vessel that carries more than 12 passengers

“pleasure vessel” means a vessel that is used solely for sport or recreation

“police official” means –

- (a) a member of the South African Police Services as defined in section 1 of the South African Police Service Act 1995 Act 68 of 1995
- (b) a member of any Municipal Police Service established in terms of the South African Police Service Act 1995 Act 68 of 1995
- (c) a person designated by the Minister as a police official under regulation 31 (2) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007
- (d) a member of the South African Defense Force deployed in cooperation with the South African Police Service

“power driven” in relation to a vessel, means propelled primarily by mechanical means

“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 storing, keeping or handling of explosives is considered to be separate premises;

“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 practice 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)

“rational design” means any design involving a process of reasoning and calculation, and includes any such design which is appropriate in the application of a code of practice or other similar design;

“regulating authority” in relation to –

- (a) the shore of any other body of water to which these regulations apply
- (b) any sheltered waters

means the person, body or authority having jurisdiction over the shore or waters concerned

“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 hazardous substances, as well as a certificate or permit to occupy premises;

“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;

“room” means any room or other partitioning in a building;

“safety officer” means a person designated under regulation 30(4) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

“sailing vessel” means a vessel provided with sufficient sail area for navigation under sail alone whether or not fitted with mechanical means of propulsion

“Service” means the Fire Brigade Service established by the controlling authority as contemplated in section 1 of the Fire Brigade Service 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, hoists and symbolic safety signs, and includes smoke and fire door assemblies;

“sheltered waters” means any of the following:

- (a) a tidal lagoon or a tidal river as defined in section 1 of the Sea Shore Act 1935 Act 21 of 1935
- (b) the waters within the breakwaters of any port in the republic
- (c) inland waters

“skipper” means the master

“specified by the Authority” means specified by the Authority in a marine notice

“spill into” (see the definition of “dump”);

“spraying-permit” means a permit issued by the Service in terms of section 50(1) (a) of these by-laws;

“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 hazardous substances and/or combinations of Group III hazardous substances, 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;

“store room” means a room which is constructed, equipped and maintained as contemplated in section 47 of these bylaws;

“story” 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 story in which it is situated);

Provided that, in relation to a building –

- (a) the ground story will be regarded as the story in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such story, the lower or lowest of these story's;
- (b) a basement will be regarded as any part of the building which is below the level of the ground story;
- (c) an upper story will be regarded as any story of the building which is above the level of the ground story; and
- (d) the height, expressed in story's, will be regarded as that number of story's which includes all story's other than a basement;

"suitable" in relation to materials or an appliance or item of equipment, means suitable for the service for which it is intended.

"temporary structure" means any structure that is apparently temporary in nature;

"vehicle" includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension system 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;

"the Act" means the Merchant Shipping Act 1951 Act 57 of 1951 but can also refer to any other act mentioned in these bylaws

"underway" in relation to a vessel, means that the vessel is not at anchor or made fast to the shore or aground

"water skiing" includes towing a person/s on any device behind a vessel and the noun has corresponding meaning

"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

"Whole dealer" means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale.

PART II**ADMINISTRATIVE PROVISIONS****ORGANISATION OF THE SERVICE**

2. (1) the controlling authority may, subject to section 3(3) of the Fire Brigade Services Act, 1987, established and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for –
- (a) Preventing the outbreak or spread of a fire;
 - (b) Fighting or extinguishing a fire;
 - (c) The protection of life or property against a fire or other threatening danger;
 - (d) The rescue of life or property from a fire or other threatening danger;
 - (e) Subject to the provision of the Health Act, 1977 (Act 63 of 1977), the provision of an ambulance service as an integral part of the Service; or
 - (f) The performance of any other function connected with any of the matters referred to in subsection (1) (a) to (e).
- (2) (a) The Chief Fire Officer is in charge of the Service.
(b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (3) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Service Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Mpumalanga, 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.

DRIVING SERVICE VEHICLES

3. (1) Any member may, with the written authority of the Chief Fire Officer, drive a Service vehicle if he/she has the applicable driving license for the vehicle in questions as required by the National Road Traffic Act, 1996.
- (2) A member who is duly authorized to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any member who fails to comply with the provisions of this section is guilty of an offence.

PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION

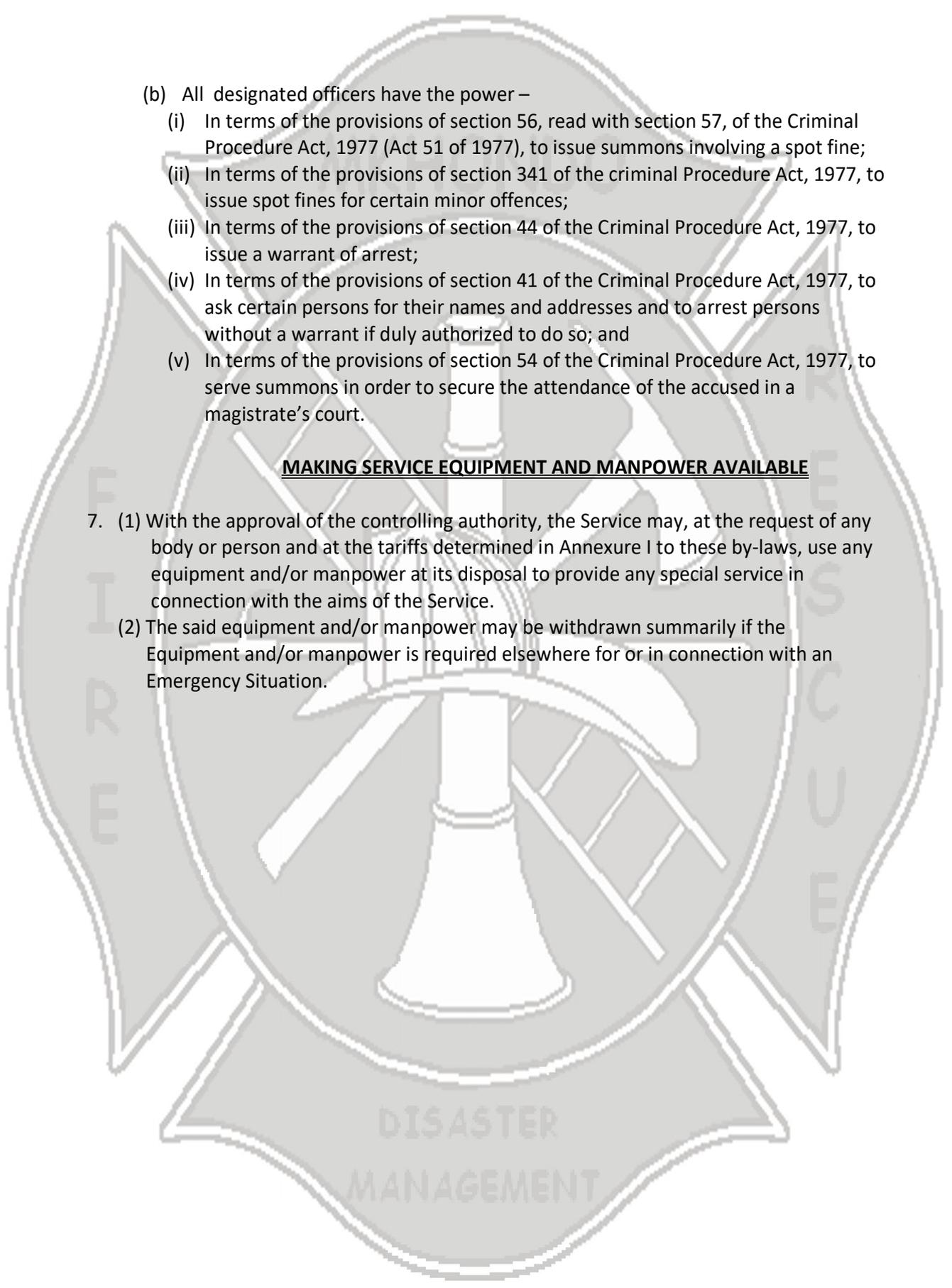
4. (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that –
- (a) Adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
 - (b) The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

PRETENDING TO BE A MEMBER

5. (1) No person, except a member, may wear any official clothing, uniform, badge or Insignia of the Service which creates or may create the impression that he/she is a member
- (2) No person may falsely present himself/herself as a member or pretend to be a member
- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, as prescribed in Annexure IV to these by-laws, or by furnishing proof of identity within a reasonable period.
- (4) Any person who contravenes or fails to comply with this section is guilty of an offence.

POWERS OF MEMBERS AND DESIGNATED OFFICERS

6. (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Service Act, 1987.
- (2) A designated officer may –
- a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorized changes have been made to the document;
 - b) institute the relevant prosecution in connection with subsection or have the prosecution instituted, as the case maybe; and
 - c) seize anything (hereinafter called “object”) on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Service Act, 1987, made in accordance with the following conditions;
 - (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
 - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - (iii) After an order issued in terms of the Fire Brigade Service 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 Service Act, 1987, has been instituted and finalized, as the case may be, any object seized must be returned to the person from whose possession it was taken.
- (3) Any officer may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion and the member may remove, using no more force than is reasonable necessary, any person who refuses to leave the street, passage or place after having been requested to do so.
- (4) (a) Designated officers must be –
- (i) suitably trained and certifies as law enforcement officers and be appointed as such in terms of Government Notice R 159 of 2 February 1979, as amended
 - (ii) appointed as deputy messengers of the court in terms of section 15(2) of the Magistrate’s courts Act, (Act 32 of 1944);
 - (iii) appointed as inspectors of explosives in terms of section 2(5) of the Explosives Act, 1956 regarding the storage, sale and use of fireworks; and
 - (iv) appointed as inspectors in terms of section 8 of the Hazardous Substance Act, 1973.
 - (v) Appointed as enforcement officer in terms of Section 31 of the Merchant Shipping Regulations 2007

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- (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 authorized 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.

MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE

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

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PART III**FIRE PROTECTION AND FIRE-FIGHTING****COMBUSTIBLE MATERIALS AND REFUSE**

8. (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 to any adjacent premises and/or any other person's property.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

MAKING FIRES

9. (1) No person may, within the area, make an open, uncontrollable or unattended fire or Permit a fire to be made, in such a place and/or in such a manner as to pose a real or Potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to –
- a) A fire in an approved, purpose-made stove, fireplace or hearth which is an integral part of a structure;
 - b) A fire for preparing food on private premises or premises set aside for that purpose; and
 - c) A device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without 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 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.

FIREBREAKS

10. (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees may pose a real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of –
- a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –

- (i) cutting to a maximum height of 1.5 cm 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 of residue from the erf or premises or ensuring that the residue is removed; and
- b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 9 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 9 m belt, a 9 m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the National Veldt and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations there-under, apply mutatis mutandis to the application of this section.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

11. (1) Any officer contemplated in section 6(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.
- (2) 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 and fire protection directives and requirements that is necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
- (3) (a) Whenever a condition 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 (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.

- (b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT

12. (1) Fire-fighting equipment 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 and the appropriate service installations not to be readily accessible is guilty of an offence.

FIRE PROTECTION REQUIREMENTS FOR PREMISES

13. (1) In addition to any other provisions contained in these by-laws, the Building regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, are, for the purpose of the enforcement of these by-laws in relation to 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 drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
- a) the access to the transformer room(s) is situated on the outside of the building; and
 - b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SABS 087, Part III; and SABS 089, Part 1, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SABS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with any of the provisions of subsections (2), (3), and (4) or any provisions contained in Part A, Part K, Part M, Part T, Part V and Part W of SANS 10400, as amended where the provisions relate to fire protection matters, is guilty of an offence.

ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

14. (1) All premises in the area must be planned, designed and constructed as to ensure that –

- (a) provision is made (in addition to the street reserve) on the premises for the parking and operating of Service machines and/or equipment on a climate-proof and weatherproof parking surface that is at least 10 m wide and runs the full length of the side elevation which borders the surface;
 - (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, the dimensions of the opening of the arch must be at least 3.5 m wide and
- (2) (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 75 mm high and must be visible from the street.
- (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (3) Any person who fails to comply with this provisions of this section is guilty of an Offence.

UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT

15. (1) The owner of any premises must ensure that –
- a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SABS as contemplated in SABS 1475 and registered in terms of SABS 1475;
 - b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SABS 0105 and SABS 1475;
 - c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufactures of installations; and
 - d) installations are inspected by a registered person at least every twelve calendar months.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must –
- a) on completing the work, certify that the service installation is fully functional; and
 - b) notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (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 every twelve months.

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

EXTRACTOR FANS SYSTEMS

16. (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with SANS 1850, (Standard for the design and manufacture of commercial kitchen extrication systems) and in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible 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

RATIONAL DESIGNS

17. (1) The construction, design and/or erection of –
- (a) hangers;
 - (b) helipads;
 - (c) grain silos;
 - (d) atriums;
 - (e) air traffic control towers;
 - (f) towers for communications or other users;
 - (g) military structures or buildings;
 - (h) thatched structures larger than 20 m² and situated within 4.5 m of any boundary line;
 - (i) tents and any other temporary structures for holding public gatherings;
 - (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exits doors exceeds 45 m; and
 - (k) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangers or helipads, for –
- (a) the drainage of any liquid from the floor of the hanger or helipad and/or approach to the hanger;
 - (b) the channeling 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 hanger or helipad to any rooms, adjacent buildings or the outside of the hanger; 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.

DUMPING SITES

- 18. (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions of the National Department of Water Affairs and Forestry and the National Department of Environmental Affairs and Tourism, and those of the Service.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence

EMERGENCY EVACUATION PLANS

- 19. (1) The owner or occupier of designated premises must –
 - (a) within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
 - (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection program, which program 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 plans, fire protection programs, 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.
- (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 programs 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 time and place as the Service may determine.

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

BUILDING PLANS TO BE SIGNED OFF BY FIRE DEPARTMENT

20. (1) Plans must be submitted to the Department for all new buildings that are planned to be build.
- (2) Fire plans should be handed in for all major buildings e.g. shopping centers, hospitals, Town Houses, complexes and any other building identified by the Fire Department.
- (3) Any person who fails to comply with the provision of this section is guilty of an offence.

CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS

21. (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 fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
- (2) No certificate of fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable;
- (a) The trade name and street address of each occupier
 - (b) The type of activity of each occupier
 - (c) The name of the person in 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
- (4) Subject to the provisions of section 21 of these by-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority –

- (a) is in possession of a set of plans referred to in section 25 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.
- (7) The holder of a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (8) (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result ipso facto in the cancellation of the certificate of fitness, including any other authorization granted in terms of these by-laws.
- (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plans of the premises in question for the purpose of the renewal application, the plans must accompany the application.
- (b) The Service may send a reminder in respect of the renewal.
- (10) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

WATER SUPPLY FOR FIRE-FIGHTING

22. (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire).
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure III 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 Part W of SANS 10400, the owner of the premises must provide the required water supply; and
 - (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (10)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SABS 0252, Part 1
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

REGISTRATION APPLICATION FOR EXISTING PREMISES

23. (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing public building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until –
- (a) the owner of the premises has submitted to the Building Control Officer and 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.

FIREWORKS

LICENSE TO DEAL IN FIREWORKS

24. (1) Any person wishing to deal in fireworks will make an application to the South African Police Service for a license to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the license the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

REQUIREMENTS FOR HANDLING AND STORAGE OF FIREWORKS

- (2) (a) Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- (b) The doors to the exit shall be kept unlocked and unbolted during trading hours and a clear passage shall exist between the counters holding the fireworks and all the exits, and no obstacle shall be placed in these passages.
- (c) A dealer must have at all times on his premises a 9kg dry chemical powder fire extinguisher which must be serviced annually and kept in a readily accessible position or as determined by a designated fire officer.
- (d) A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks are kept locked away. When packs are opened these must be kept in glass cabinets or metal containers under lock and key separated from goods of an inflammable or combustible nature.
- (e) Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built accordingly to the specifications as per the regulations.
- (f) A dealer shall not interfere with the inner packaging of the fireworks, or allow or permit it to be interfered with.
- (g) Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- (h) Notices with 100 mm red lettering on a white background must be provided as follows; -
- (i) to the outside of the premises in the prominent position adjacent to the every entrance, notice reading, Dealer in Fireworks;
 - (ii) in prominent positions inside the premises "No Smoking" signs compliant to SANS 1186.
- (i) Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorized persons having access to the fireworks and shall abstain from any act whatsoever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall not be kept at least 5 m away from the fireworks.
- (j) No Person shall smoke in, or take a naked light or fire into, premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so.
- (k) Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

TRADE

- (3) (a) A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall

retain for a period of least two (2) years for production on demand by an inspector.

- (b) A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale of fireworks.
- (c) A dealer shall supply fireworks to the public only in the sealed inner packaging as received from the manufacturer or wholesale dealer, provided that the packages are still in a good condition.
- (d) A dealer shall not sell or allow or permit to be sold any fireworks to a child under the age of eighteen (18) years.
- (e) A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and by-laws, and the conditions attached to his license to deal.
- (f) A dealer shall keep a register in which full particulars of each transaction and the aforementioned license number shall be recorded. This register shall be kept up to date and be made available for inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry.
- (g) A dealer's premises may be inspected at any time by an inspector of explosives or fire officer.
- (h) Any person on such premises, who fails to comply with a request made by the licensee or his employee in the interest of safety, shall be guilty of an offence.

FIREWORKS FOR SALE TO THE PUBLIC

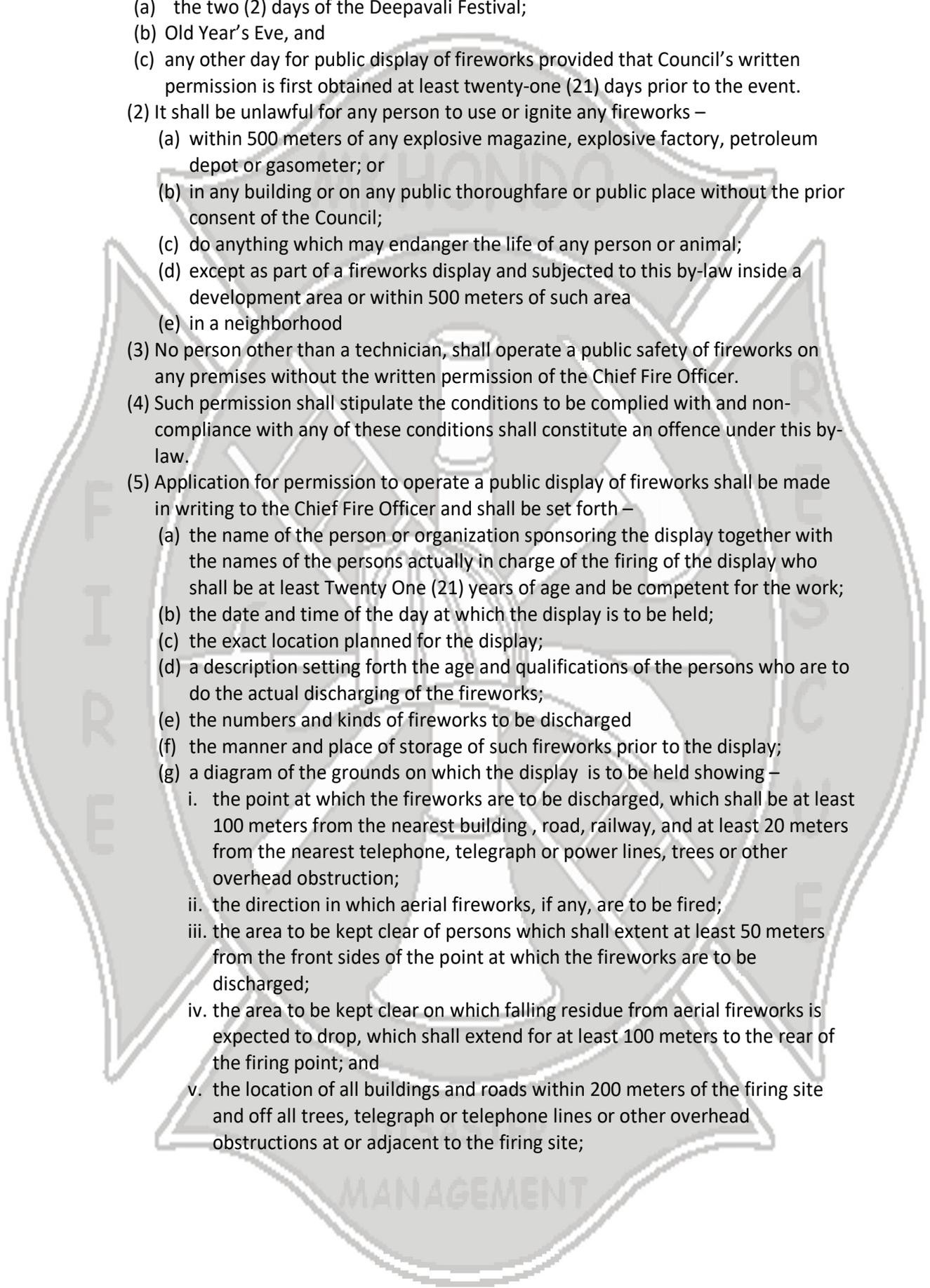
- (4) (1) The following fireworks are illegal and may not be sold to the public –
 - (a) firecrackers
 - (b) match crackers or match strike crackers
 - (c) firecrackers commonly known as “Bombs”, e.g. Indian King, King India, Classic Foils, etc;
 - (d) all explosive fireworks;

The sale of fireworks must be recorded.

- (2) All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labeled and packed in accordance with the Explosives Regulations and any person deemed to be in possession of “unauthorized explosives” shall be guilty of an offence
- (3) Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid license issued in terms of the regulations, and the number of such license shall be quoted on the invoice.

USE OF FIREWORKS

- (5) (1) The discharge of fireworks within the municipal area is unlawful with the exception of; -

- 
- (a) the two (2) days of the Deepavali Festival;
 - (b) Old Year's Eve, and
 - (c) any other day for public display of fireworks provided that Council's written permission is first obtained at least twenty-one (21) days prior to the event.
- (2) It shall be unlawful for any person to use or ignite any fireworks –
- (a) within 500 meters of any explosive magazine, explosive factory, petroleum depot or gasometer; or
 - (b) in any building or on any public thoroughfare or public place without the prior consent of the Council;
 - (c) do anything which may endanger the life of any person or animal;
 - (d) except as part of a fireworks display and subjected to this by-law inside a development area or within 500 meters of such area
 - (e) in a neighborhood
- (3) No person other than a technician, shall operate a public safety of fireworks on any premises without the written permission of the Chief Fire Officer.
- (4) Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this by-law.
- (5) Application for permission to operate a public display of fireworks shall be made in writing to the Chief Fire Officer and shall be set forth –
- (a) the name of the person or organization sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least Twenty One (21) years of age and be competent for the work;
 - (b) the date and time of the day at which the display is to be held;
 - (c) the exact location planned for the display;
 - (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
 - (e) the numbers and kinds of fireworks to be discharged
 - (f) the manner and place of storage of such fireworks prior to the display;
 - (g) a diagram of the grounds on which the display is to be held showing –
 - i. the point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road, railway, and at least 20 meters from the nearest telephone, telegraph or power lines, trees or other overhead obstruction;
 - ii. the direction in which aerial fireworks, if any, are to be fired;
 - iii. the area to be kept clear of persons which shall extent at least 50 meters from the front sides of the point at which the fireworks are to be discharged;
 - iv. the area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 meters to the rear of the firing point; and
 - v. the location of all buildings and roads within 200 meters of the firing site and off all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site;

- vi. completion of any indemnity form absolving Council from any civil claims;
- vii. acknowledgement that the authority is at Council's discretion and that the requirements of legislation will be complied with.

- (6) At a public display of fireworks it shall be an offence:-
- (a) for any person willfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
 - (b) for any unauthorized person willfully to proceed beyond the area demarcated by the organizers of the display for spectators;
 - (c) to disobey the instruction of a uniformed law enforcement officer.

PYROTECHNIC DISPLAYS

- (6)(1) In the event of a pyrotechnic display emergency flares must accompany the displayers.
- (2) All pyrotechnic displays applied for to, and approved by, the Council shall be advertised in the local press on two occasions (consecutive weeks) immediately prior to the pyrotechnic display. These advertisements shall advertise the date, time and venue at which the pyrotechnic display is to be held, and the cost of such advertisement shall be for the account of the applicant.
- (3) Application shall be done in accordance with section 24 subsection 5 of these by-law and on the prescribed form available from the Chief Fire Officer.

TRANSPORT OF FIREWORKS

- (7) The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No. 3648 dated 8 September 1972.

USE OF OTHER EXPLOSIVES

- (8) Any explosives for the use of which provisions is not made in the preceding regulations of these by-laws, shall be used only in such a manner and under such conditions as may be prescribed in writing by an inspector of explosives.

DISTRIBUTION POINT

- (9) The number of distribution points for sale of fireworks shall be restricted.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence

PART IV

HAZARDOUS SUBSTANCES

APPLICATION FOR APPROVAL OF PLANS

25. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, alternation, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, aboveground and underground installations and any other structures are to be erected in connection with such use, storage or handling of hazardous substances 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 in Annexure I to these by-laws, but these fees do not include the fees charged by the Building Control Officer for the approval of plans.
- (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 submissions 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 Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (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) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or construction have not been erected in accordance with the approved plans.
- (7) 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.

ISSUING OF CERTIFICATES OF REGISTRATION

26. (1) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this

section are not applicable:

Group I: Explosives

Fireworks

Group II: Gases

- 2.1 Flammable gases total cylinder capacity may not exceed 100 Kg
- 2.2 Non-flammable gasses total cylinder capacity may not exceed 333 Kg
- 2.3 Toxic gases No exemption

Group III: Flammable Liquids

- 3.1 With flash points $\geq 18\text{ C}^{\circ}$ total quantity may not exceed 100 Liter
- 3.2 With flash points $> 18\text{ C}^{\circ}$ total quantity may not but $\leq 23\text{ C}^{\circ}$ exceed 400 L
- 3.3 With flash points $> 23\text{ C}^{\circ}$ total quantity may not but $\leq 61\text{ C}^{\circ}$ exceed 1000 L
- 3.4 With flash points $> 61\text{ C}^{\circ}$ total quantity may not but $\leq 100\text{ C}^{\circ}$ exceed 1000L

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: Oxidizing agents and organic peroxides

- 5.1 Oxidizing agent's total quantity may not exceed 200 Kg
- 5.2 Group II organic total quantity may not peroxides in packets exceed 200Kg

Group VI: Toxic/infective substance

- 6.1 Group I toxic substances total quantity may not in packets exceed 5 Kg
- 6.2 Group II toxic substances total quantity may not in packets exceed 50 Kg
- 6.3 Group III toxic substances total quantity may not in packets exceed 500 Kg
- 6.4 Infective substance 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 1000 Kg
- 8.4 Group I alkaline total quantity may not substances in packets exceed 50 Kg
- 8.5 Group II alkaline total quantity may not substances in packets exceed 200Kg
- 8.6 Group III alkaline total quantity may not substances in packets exceed 1000 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

- (2) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in subsection (1), or have them stored, used or handled, or permit to be stored, used or handled, unless the hazardous substances are stored, used or handled in such place or in such manner as to ensure that –
 - (a) No hazardous substance or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the hazardous substance or fumes to catch fire; and
 - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle hazardous substances, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Hazardous substances may be stored on unregistered premises only if the hazardous substances are, when not in use, stored in strong, labeled containers that seal tightly
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate –
 - (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
 - (b) must be maintained in a legible condition at all times
 - (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered
 - (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility
 - (e) must reflect the number of storerooms and the total capacity of each storeroom
 - (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation
 - (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility
 - (h) must reflect a serial number
 - (i) must indicate whether the issue of such 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 only be twelve calendar months, calculated from the date of issue, and written application for renewal of certificate reaches the Service at least one month prior to the expiry date
 - (k) is not transferable from premises to premises

- (l) must, subject to the provisions of section 26 of these by-laws, be transferable from owner to owner and/or from control to control of the same premises provided that –
- i. application for such transfer is made to the Service on the prescribed form; and
 - ii. if the trade name on the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service
- (m) will not be issued unless the Service is in possession of a set of approved plans as required by section 25 of these by-laws; and
- (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7) (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- (b) The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.
- (c) if the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment
- (8) 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.
- (9) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (10) Any person who fails to comply with the provision 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.

SUPPLY OF HAZARDOUS SUBSTANCES

27. (1) No person may –
- (a) supply more hazardous substances than the quantities referred to in section 26(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
 - (b) deliver or supply more hazardous substances of a group other than the quantity specified in the applicable certificate of registration of hazardous substances of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.

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

EXEMPTIONS

28. (1) Notwithstanding anything to the contrary in these by-laws –
- (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 1000 liter and the fuel tank is surrounded by a liquid proof bund wall, volumetrically be capable of containing the maximum proposed quantity of liquid, plus 10 % of the volume tank.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION

29. (1) Any holder of a certificate of registration or spraying permit must, before the first working day of December each year, submit an application for renewal of the certificate or permit to the Service on the prescribed form (MFD 001), which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purpose of renewal.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES

30. (1) The Service may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in Section 26(1) of these by-laws: Provided that –
- (a) if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 Liter;
 - (b) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required on section 25 of these by-laws; and
 - (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure

that the storage tank is surrounded by a liquid proof bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10 % of the volume of the tank;

- (a) Provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (b) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;
 - (c) no source of ignition or potential ignition is brought within 5 m of the storage tank;
 - (d) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
 - (e) a minimum of two 9 kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

DELIVERY OF HAZARDOUS SUBSTANCES

31. (1) Any person delivering hazardous substances to any supplier or user –
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road.
 - (b) may not, while delivering, let any delivery hose line lie across a pavement, public road or other premises, or go through or over a building or have it lying there;
 - (c) must ensure that, while delivering, a 9 kg dry chemical fire extinguisher is ready at all times;
 - (d) must ensure that, during the transferal of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
 - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation, without exacerbating the situation; and
 - (f) must ensure that no hazardous substances is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the specific purpose and is in safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substances is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substances to an aircraft unless and until the

aircraft has been earthed with the transferal 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.

PROHIBITION OF CERTAIN ACTIONS

32. (1) Any person who stores, uses or handles hazardous substances on premises or has it 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 reasonable 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 reasonable obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any hazardous substances in or spill any hazardous substance into any borehole, pit, sewer, drain system or surface water, or permit any hazardous substance to be dumped in or spilled into any borehole, pit sewer, drain system or surface water.
- (3) No person may discard hazardous substances in any manner other than by having the substances removed or permitting the substances to be removed by an organization which is fully equipped to do so.
- (4) No person may light, bring or use, within 5 m of any area where, to his/her knowledge, hazardous substances are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5 m of such area.
- (5) No person may use any device in connection with hazardous substances in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the tank of that bus, or have it filled or permit it to be filled, or transport any hazardous substances in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

“NO SMOKING” SIGNS

33. (1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform to SABS 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.

FIRE-FIGHTING EQUIPMENT

34. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate registration in terms of section 26 of these by-laws and/or spaying permit in terms of section 50 of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with –
 - (a) portable fire extinguishers, as specified in SABS 1567 (carbon dioxide type), SANS 1910 (dry chemical powder, foam and water types) and SABS 1571 (transportable type), of a minimum capacity of 9 kg or 9 L, as the case may be, in ratio of one fire extinguisher to every 100 m² 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) hose reels, as specified in SABS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0.5 L/second at a work pressure of 300 kPa;
 - (c) fire hydrants, with couplings as specified in SABS 1128, Part II (Fire fighting equipment – couplings), in ratio of at least one to every 1000 m² or part if it; and
 - (d) approved sprinkler systems in any above ground facility, of which the capacity is 9 m³ or larger, with the exception of temporary storage facilities as referred to in section 30 of these by-laws, and installed in positions indicated on the plans referred to in section 25 of these by-laws.
- (2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SABS 0105 and SABS 1475 at least once every twelve months to the satisfaction of the Service.
- (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 specification of SABS 1186 and to the satisfaction of the Service.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

REPORTING FIRES, ACCIDENTS AND DUMPING

35. (1) The occupier of any premises must immediately report any fire, accident or dumping involving hazardous substances on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.

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

SAMPLING

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

STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

37. (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 39 of these by-laws, remove the tank or device or have the tank or device removed, or fill up the tank with matter as provided in SANS 10089-3
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE

38. (1) No person may enter or permit any other person to enter any storage tank which contained Group III hazardous substances, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089-1, as amended.
- (2) No person may enter any storage tank which contained Group III hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.

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

INSTALLATION, ERECTION, REMOVAL AND DEMOLITION

39. (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-laws.
- (2) Any failure to act as contemplated in subsection (1) will ipso facto cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever –
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
 - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3)(a) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 25 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance of these by-laws.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

GROUP I HAZARDOUS SUBSTANCES

40. (1) All Group I hazardous substances (explosives) must be handled, used stored and transported in accordance with the provisions of SABS 0228,0229,0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
- (2) (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.
- (b) The Chief Fire Officer may impose any fire protection measures he/she deems

necessary according to the circumstances in question.

- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this section is guilty of an offence, and the explosives of fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.

GROUP II HAZARDOUS SUBSTANCES

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

BULK CONTAINERS

- (4) All bulk containers for Group II hazardous substances must be signed, manufactured, maintained and installed in terms of the provisions of the Occupational Health & Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

MANIFOLD INSTALLATIONS

- (5) (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 L inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1.
 - (i) Any person who furnishes proof, as contemplated in subsection (5) (b), must be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.

- (ii) Scientifically based detailed calculations and test must be the basis of such proof.
- (6)(a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
- (b) In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
- (c) The provisions of section 41(5)(b) of these by-laws are applicable mutatis mutandis to this subsection.
- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the device must be used strictly in accordance with the requirements of SABS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.
- (8) The installation within the area of underground pipelines for any Group II hazardous substances, and branches or manifolds of pipelines, as the case may be, is mutatis mutandis subject to the provisions of Sections 23, 24, 25, 26, 28, 30, and 32 of these by-laws.

UNDERGROUND PIPELINES

- (9) Any underground pipeline for a Group II hazardous substance must comply with the following requirements:
- The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600 L/min at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
 - 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.
 - 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.
 - 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 total be done according to a recognized standard approved by the Chief Fire Officer.
 - No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

GROUP III HAZARDOUS SUBSTANCES**TANK MANUFACTURE**

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

INSTALLATION OF STORAGE TANKS

43. (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SABS 1089, Parts I, II and III; SABS 0108 and SABS 086, as the case may be: Provided that –
- all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
 - all pumps and filling devices installed indoors must be in purpose-built, registered premises;
 - all installations, as contemplated in subsection (1)(a) and (b), as the case may be; and
 - all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in section 30 of these by-laws.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART V**CONSTRUCTION OF VEHICLES, AS WELL AD TRANSPORTATION AND TRANSPORT PERMITS****CONSTRUCTION OF VEHICLES FOR GROUPS I, II, III, IV, V, VI, VII, VIII AND IX HAZARDOUS SUBSTANCES**

44. (1) Any road tanker for the transportation of Groups II, III, V, VI, VII and IX hazardous substances must be constructed and maintained in accordance with the provisions of SABS 0189, SABS 1398 and SABS 0233, as the case may be, and must be labeled in accordance with the provisions of SABS 0232, the Hazardous Substance Act, 1973, and any regulations made under the Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in section 2(1) of the Hazardous Substances Act, 1973, must –
- be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
 - have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
 - be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 Kg or more;
 - be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
 - be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog mechanism that can be locked;
 - have electrical wiring that complies with the requirements of SABS 314 and be maintained in accordance with SABS 314;
 - have at least two static-free wheel blocks;
 - have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
 - have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit: Provided that portable containers that contain or have contained Group II hazardous substances may only be transported in an open-bodied vehicle; and
 - have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in section 46 of these by-laws must be equipped with at least two 9 Kg dry chemical fire extinguishers, which extinguishers must be –

- a. designed and manufactured in accordance with the specifications contained in SANS 1910;
 - b. maintained in accordance with SABS 0105 and SABS 1475; and
 - c. so positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substances in a road tanker or in any other vehicle contrary to any requirements contained in this section, or has it so transported or permits it to be so transported, is guilty of an offence.

DUTIES, RESPONSIBILITIES AND SKILLS OF A FRIVER OF A VEHICLE FOR HAZARDOUS SUBSTANCES

45. (1) Any driver of a vehicle referred to in section 44 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transport Act, 1977 (Act 74 of 1977), as well as required by the Fire Department, and must act in accordance with SABS 0189, SABS 0232, the Hazardous Substance Act, 1973, and the regulations made under the Act.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

SERVICE TRANSPORT PERMIT

46. (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to section 46 of these by-laws, have a valid transport permit in terms of this section for transporting hazardous substances: Provided that –
- a. each vehicle for which such a permit has been issued must comply with the provisions of section 44 of these by-laws;
 - b. the application form, provided for in Annexure II to these by-laws and obtainable from the Service, must be completed correctly and in full;
 - c. the application form must be accompanied by the fees prescribed in Annexure I to these by-laws; and
 - d. the application must be submitted for processing to the hazardous substance registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit must –
- a. indicate the date of issue and the date of expiry;
 - b. be valid for a period of twelve months from the date of issue;
 - c. indicate the name, in block letters, of the issuing officer and bearer the officers signature;

- d. indicate a year-linked serial number;
 - e. indicate the group and quantity of hazardous substances to be transported;
 - f. indicate the registration number of the vehicle in question;
 - g. be displayed in a purpose-made waterproof container attached to the side if the chassis frame supporting the tank, load level or load space; and
 - h. at all times be maintained in a legible condition.
- (3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (4) Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

EXCEPTIONS WITH REGARD TO TRANSPORT PERMITS

47. (1) Subject to the provisions of section 45 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said section 45:

a. Single-load hazardous substance(s)

1. Group I: Explosives

No exemption

2. Group II: Gasses

2.1 Flammable gases total cylinder may not exceed 100 Kg

2.2 Non-flammable gases total cylinder capacity may not exceed 333 Kg

2.3 Toxic gases No exemption

Provided that any gas cylinders which are inside a framework attached to a heavy goods vehicle and which are intended for heating the product being transported are exempt from these provisions.

3. Group III: Flammable Liquids

3.1 With flash points $\leq 18^{\circ}\text{C}$ total quantity may not exceed 100 Liter

3.2 With flash points $> 18^{\circ}\text{C}$ total quantity may not exceed 400 Liter

3.3 With flash points $> 23^{\circ}\text{C}$ total quantity but $\leq 61^{\circ}\text{C}$ may not exceed 100 Liter

3.4 With flash points $> 61^{\circ}\text{C}$ total quantity but $\leq 100^{\circ}\text{C}$ may not exceed 1000 Liter

4. 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

5. Group V: Oxidizing agents and organic peroxides

- 5.1 Oxidizing 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 peroxides in packets may not exceed 200 Kg

6. Group VI: Toxic/infective substances

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

7. Group VII: Radioactive Materials

No exemptions

8. Group VIII: Corrosive/caustic substances

- 8.1 Group I acids in packets total quantity may not exceed 50 Kg
- 8.2 Group II acids in packets total quantity may not exceed 200 Kg
- 8.3 Group III acids in packets total quantity may not exceed 1000 Kg
- 8.4 Group I alkaline total quantity substances in packets may not exceed 50 Kg
- 8.5 Group II alkaline total quantity substances in packets may not exceed 200 Kg
- 8.6 Group III alkaline total quantity substances in packets may not exceed 1000 Kg

9. Group IX: Miscellaneous substances

- 9.1 Liquids total quantity may not exceed 210 Liter
- 9.2 Solids total quantity may not exceed 210 Kg

b. Multiple-load hazardous substances

No exemptions

PART VI**STOREROOMS FOR HAZARDOUS SUBSTANCES****REQUIREMENTS FOR STOREROOMS****CAPACITY**

48. (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in section 47 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.

DANGER NOTICES IN STOREROOM

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

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 of the storeroom.

CONSTRUCTION OF STOREROOMS (EXCLUDING STOREROOMS IN RECOGNIZED BULK DEPOTS AND BULK INSTALLATION)

- (4) The construction of any storeroom must be in accordance with the following requirements:
- (a)(i) The walls must be of brick or concrete
 - (ii) The floor must be of concrete
 - (iii) The roof must be reinforced concrete of which the composition must offer fire resistance of at least 120 minutes
 - (b) Notwithstanding the provisions of subsection (4)(a)(iii), the roof of a storeroom may be manufactured from any other non-combustible material if -
 - (i) the storeroom adjoins a higher wall that has no opening at any place within 10 m above the storeroom and has no openings within 5 m of any side thereof; and
 - (ii) the storeroom is not situated within 5 m of any adjacent building and/or

boundary of any premises.

DOORS

- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SABS 1253; Provided that –
- the said doors must open to the outside and have a lock or locks as approved by the Chief Fire Officer;
 - whenever the distance to be covered from any storeroom Class B-type fire doors, which doors must be installed as far from each other as is practicable; and
 - 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 –
- be fitted with wire glass with a minimum of 8 mm thick
 - have window panels with a maximum size of 450 mm x 450 mm: Provided that no window must be capable of being opened.

CATCH PIT

- (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 –
- the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored on the storeroom, plus 10 %
 - 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;
 - an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - 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 hazardous substances is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place 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 normal opening 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 accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SABS 0108
 - b. all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions of SABS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
 - c. all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground

- d. switches actuating any mechanical ventilation system are situated outside the storeroom
- e. any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
- f. whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

ELECTRICAL INSTALLATIONS INSTALLED BY QUALIFIED ELECTRICIANS

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

STOREROOMS CONSTRUCTED FROM OTHER, NON-COMBUSTIBLE MATERIALS

- (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 30 m of any other building and/or the boundary of premises
 - b. the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of hazardous substances able to be stored in the storeroom, plus 10%; and
 - c. the floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination.

UNAUTHORIZED ENTRANCE

- (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 storage, use or handling of hazardous substances in the storeroom;
 - b. employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and

- c. place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.
- (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.

KEEPING AND HANDLING HAZARDOUS SUBSTANCES IN A STOREROOM

49. (1) Any storeroom referred to in section 48 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives), as defined in section 2(1) of the Hazardous Substance Act, 1973: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 48 of these by-laws, any grouped hazardous substances contemplated in this section, with the exception of Group I hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SABS 0263: Provided that any storeroom will be subject mutatis mutandis to the provisions of section 22, 24, 25 and 26 of these by-laws, as the case maybe.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

CONTINUES ON PAGE 130 - PART 2



THE PROVINCE OF MPUMALANGA
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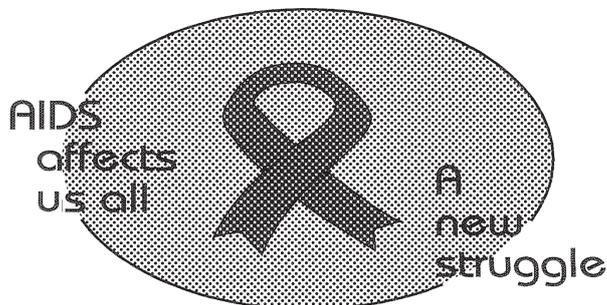
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PART 2 OF 2

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PART VII**SPRAY-PAINTING MATTERS AND SPRAYING PERMITS****REGISTRATION OF SPRAY-PAINTING ROOMS**

50. (1) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III hazardous substance or with liquid compounds of a Group III hazardous substance, or with any other hazardous substance, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II to these by-laws.

PROHIBITION OF CERTAIN ACTIONS

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

DISPLAY AND CONDITIONS OF SPRAYING PERMIT

- (3) A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
 - b. The spraying permit must be legible at all times.
 - c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - d. A serial number must be indicated on the spraying permit.
 - e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.
 - f. The spraying permit is not transferable from premises to premises.
 - g. In case of reconstructing, the spraying permit is, subject to the provisions of section 23, 29 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that –
 - (i) application must be made for transfer the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit

- must ensure that the change is immediately brought to the attention of the Service.
- h. The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 25 of these by-laws.
 - i. The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
 - j. (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
(ii) These fees prescribed in Annexure I to these by-laws must accompany any application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
(iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS

51. (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 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 1.3mm.

- 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 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 service 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 preferred unit is suitable only if such a unit is evaluated by the SABS or CSIR and is found to be suitable for the particular intended purpose.

LOCATION OF AND ACCESS TO A SPRAYING ROOM

- (5)(a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purpose of escaping, which doors must –
- (i) open to the outside.
 - (ii) be at least 800mm x 2000 mm in extent;
 - (iii) be positioned in opposite sides, provided that, whenever there is an object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m; and
 - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against fire walls: Provided that not more than two sides of the spraying room may border the fire walls.

WATER FLOORS

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

ELECTRICAL EQUIPMENT

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

MECHANICAL VENTILATION

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

FIRE DAMPERS, FIRE DETECTORS AND FIRE ALARMS

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

POSITIONING OF VENTILATION OUTLETS

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

DISPLAY OF SIGNS PROHIBITING OPEN FLAMES AND SMOKING

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

MAINTENANCE OF SPRAYING ROOMS

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

UNAUTHORIZED ACCESS

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

ABUSE OF SPRAYING ROOM

- (18) No person may –
- (a) use any spraying room or permit any spraying room to be used for any purpose other than for practicing 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 permits any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

PROVISIONS OF FIRE-FIGHTING EQUIPMENT

- (19)(a) Any spraying room must have a 9kg dry chemical fire extinguisher on the inside, as well as a 9 kg dry chemical fire extinguisher and a 9 kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in section 34(1)(b) of these by-laws.

DRYING KILN/HEATING DEVICES

- (20) Whenever any manifold installation of a Group II hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087-1, and the relevant provisions of these by-laws will apply mutatis mutandis in the application of this section.
- (21) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART VIII**ANIMALS****HANDLING ANIMALS DURING EMERGENCIES**

52. (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) authorize a suitable 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.

PART IX

WATER RESCUE & WATER SAFETY

53. Application – The Merchant Shipping (National Small Vessel Safety) Regulations 2007 apply to and in relation to every pleasure vessel (regardless of size) that is used on inland waters and but not only to vessels under three meters in length except otherwise stated
54. Safety appliance and equipment –
The owner and skipper of any vessel must ensure that –
- (a) items of safety appliance and equipment are provided and maintained on board the vessel in accordance with the requirements of Annexure VI and
 - (b) the other requirements of Annexure VI are complied with in relation to the vessel
- The skipper of a vessel must ensure that an approved buoyancy aid or lifejacket of the kind required by these regulations is worn by –
- every child under 12 years of age on deck at all times when the vessel is underway
- The skipper or person operating any power- driven vessel of more than 15 horse power and of nine meter or less in length may not get underway unless there is an operational kill switch attached to the operator.
55. Safety of Navigation -
The skipper of a vessel must ensure at all times that the vessel is operated in accordance with –
- the collision regulations as defined in the act
 - the instruction and specification of the manufacturer of the vessel and if power driven, of the vessels propulsion machinery
- No person may operate a vessel in a careless manner, without reasonable consideration for other persons or without due care and attention, taking into account –
- (a) the weather
 - (b) visibility
 - (c) the presence of persons or vessels in the body of water, including concentrations of persons and vessels in the immediate vicinity of the vessel
 - (d) the speed and maneuverability of the vessel, with special reference to stopping distance and capability in the prevailing conditions;
 - (e) light conditions, including the presence of background light from shore lights or from backscatter of the vessels own lights
 - (f) water conditions, currents and the proximity of navigational hazards and
 - (g) any other hazards that could adversely affect the safety of persons or property
56. Carrying persons in excess –
Except in an emergency, neither the owner nor the skipper of a vessel may cause or allow the number of persons, including crew members, on board the vessel to exceed the number determined by the certifying authority and specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel

57. Responsibilities of the owner –

The owner of a vessel must ensure that the vessel is operated by or under the constant guidance of a skipper who is physically able and of sound mental health and who, in the case of –

a commercial vessel; or

a pleasure vessel that is either a sailing vessel if nine meters or more in overall length or a power-driven vessel with a propulsion power exceeding 15 horsepower, holds subject to regulation 18(2), a valid certificate of competence issued by a certifying authority

58. Physical and mental fitness

No person may operate a vessel or any of a vessels equipment or machinery while –
the concentration of intoxicating liquor in any specimen of blood taken from any part of his or her body is 0.05 gram or more per 100 milliliters or
the concentration of intoxicating liquor in any specimen of breath exhaled by such person is 0.24 milligrams or more per 1000 milliliters

59. Age Limit

No person under the age of 16 years may operate a power-driven pleasure vessel having a propulsion power exceeding 15 horsepower, unless –
that person does so under the guidance and constant supervision of a person who is the holder of a valid certificate of competence
in the case of a single-handed vessel, that person does so under the guidance and supervision of an authorized agency or a person referred to above
that person is certified by an authorized agency to be a competent person engaged in training for competitive sport.

60. Marking of Vessels

The owner of a vessel must ensure that the marking approved in respect of the vessel is displayed and continued on the vessel in accordance with the Directions of the Authority, and that the information recorded with the Director-General is correct.

61. Vessels not to be used without Certificate of fitness

Neither the owner nor the skipper of a vessel to which this part applies may cause or allow the vessel to be operated anywhere in the Republic, unless there is on board a valid certificate of fitness in respect of that vessel

62. Custody and production of certificate of fitness

The owner and skipper of a vessel must ensure that the original certificate of fitness issued in respect of the vessel, or a certified copy thereof, is kept available on board the vessel for inspection at reasonable time.

63. Offences due to fault of another person

Where the commission by any person of an offence in term of regulation 34(1) Merchant Shipping (National Small Vessel Safety) Regulations 2007 is due to the act or omission of some other person also commits the offence and may be charged with and convicted of the offence by virtue of this regulation, whether or not proceedings are taken against the first-mentioned person.

64. Supplementary requirements for water skiing
No person may water-ski between the hours of dusk and dawn
No person may water-ski while under the influence of intoxicating liquor or any substance having a narcotic effect.
A water-skier must wear a suitable flotation aid of the type and quality prescribed in Annexure 1 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007
A water-skier must comport himself or herself in such way as not to create a nuisance or danger for other water users
The skipper of the towing must ensure that there is a competent person in the vessel to observe the water-skier
The skipper of the towing vehicle vessel must carry a 500 millimeter square red flag in the vessel and cause it to be clearly exhibited when the vessel is engaged in picking up a water-skier or dragging a tow
The skipper of a vessel may not follow closer than 100 meters in the wake of another vessel towing a person, water-skier or a towable aquatic or airborne device.
65. Supplementary requirements for personal watercraft, power-driven vessel not exceeding 15 horsepower, sailing vessels of less than seven meters in overall length, and rowing or paddling vessels
Power-driven vessels not exceeding 15 horsepower, sailing dinghies and non-power driven vessels of less than seven meters in overall length need not comply with regulations 6, 9, Part 4 and Annexure 1 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 but must –
have sufficient buoyancy to keep the vessel afloat when completely swamped and carry the safety equipment provided for in the applicable table in Annexure 2 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

PART X

PENALTIES

PENALTIES FOR CONTRAVENTIONS

66. Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R 5 000,00 or, in default of payment, liable to imprisonment for a period not exceeding six months.
67. Any person who contravenes or fails to comply with any provision as set out in Part IX as well as the of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 as a whole is guilty of an offence and is liable to a fine as set out in the Admission of Guilt document for National Small Vessels Safety Regulations 2007.

PART XI**GENERAL****OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

68. 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.

REPEAL OF BY-LAWS

69. The following by-laws are hereby repealed:

- (a) the Municipality of Mkhondo: Fire Brigade By-laws, published under Notice , as amended;

SHORT TITLE

70. These by-laws are called the Municipality of Mkhondo: Fire Service By-laws and their provisions come into operation on the

PART XI**ANNEXURES****ANNEXURE I****TARIFFS****FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 OF THE FIRE BRIGADE SERVICE ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING EMERGENCY SERVICES**

1. The following tariffs shall be applicable in Fire Brigade Services (OPERATIONS)

Table 1

SERVICE INSIDE MUNICIPAL AREA	CURRENT TARRIFS	TARRIFS
1.1 Basic call out fee	R861.00	
1.2 Use of vehicle/ fire pumps/ rescue equipment	Tariffs per vehicle per hour	TYPE OF VEHICLE (Tariff per vehicle per hour or portion of an hour) (a) Light R 753.00 (b) Medium R 1037.00 (c) Heavy R 1305.00 (d) Rescue R 1037.00 (e) Special R 1037.00 (f) Grass R 330.00 (g) Extrication R 999.00
1.3 Crew/Use of fire fighters	(Tariff per member per hour or portion of an hour) AS Per	(Tariff per member per hour or portion of an hour) R 185.00 + 25% PER MEMBER
1.4 Water from municipal supplies	Cost price based on Council's previous financial year's figures as per financial statements	Tariff determined for municipal use. (Departmental tariff)
1.5 Material/Foam/Hazmat Equipment	That tariff that is levied is that of material used, at cost, plus an administration levy of 25 % of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply	That tariff that is levied is that of material used, at cost, plus an administration levy of 25 % of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply

Table 2

SERVICE OUTSIDE MUNICIPAL AREA	CURRENT TARRIFS	TARRIFS AS FROM 01 JULY 2019
1.1 Basic call out fee	AS PER T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction
1.2 Use of vehicle/ fire pumps/ rescue equipment	AS PER T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction
1.3 Crew/Use of fire fighters	AS PER T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction
1.4 Water from municipal supplies	Cost price based on Council's previous financial year's figures as per financial statements	Tariff determined for municipal use. (Departmental tariff)
1.5 Material/Foam/Hazmat Equipment	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction

1.1 USE OF CREW MEMBERS

Tariff per member is for an hour or portion of an hour
(Time is calculated from arrival up to departure)

1.2 USE OF MATERIALS

The tariff that is levied is that of materials used, at cost, plus an administration levy of 25% of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply.

1.3 USE OF SERVICE OUTSIDE THE JURISDICTION OF THE CONTROLLING AUTHORITY

The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction.

1.4 REBATE

If the Service is used for a building that is used exclusively for residential purposes, the Chief Fire Officer may, at his/her discretion, limit the total amount payable in respect of Table 1 & 2 above to an amount he decides on.

2. The following tariffs shall be applicable on Fire Brigade Services (TRAINING)

Table 3

Fire Extinguisher Training (8 Hours)	Current Tariffs	Proposed Tariff
1. Training per delegate at local fire station	R 704.00	R 775.00
2. Training per delegate not at fire station	R1464.00	R 1610.00 plus traveling cost determined by council in accordance with Department of Transport tariffs
Basic Fire Fighting Training (40 Hours)	Current Tariffs	Proposed Tariff
1. Training per delegate at local fire station	R 1623.00	R 1786.00
2. Training per delegate not at fire station	R 1464.00	R 3425.00 plus traveling cost determined by council in accordance with Department of Transport tariffs

3. The following tariffs shall be applicable on Fire Brigade Services(STORAGE, USE AND HANDLING OF HAZARDOUS SUBSTANCES)

Table 4

DESCRIPTION	CURRENT TARIFFS FROM 1 JULY 2019	TARIFFS FROM 1 JULY 2020
Dry-cleaning room	Yearly R 480.00	Yearly R 528.00
1. Mixing room	R 480.00	R 528.00 (each)
2. Spray room	R 480.00	R 528.00 (each)
3. Carbide Store	R 480.00	R 528.00 (each)
4. Liquid petroleum gas installations	R 480.00	R 528.00 (each)
5. Group I: Explosives – Fire works	R 1037.00	R 1141.00
6. Group II: Gas		
7.1 Not more than 600 Kg	R 414.00	R 456.00
7.2 600 Kg but not more than 9000 Kg	R 626.00	R 689.00
7.3 9000 Kg but not more than 100 000 Kg	R 1037.00	R 1141.00
7.4 Bulk Depot – more than 100 000 Kg	R 3127.00	R 3440.00
7. Group III: Flammable Liquids		
8.1 Capacity up to and including 2,300 liters	R 411.00	R 453.00
8.2 Capacity from 2,301 liters to 4,500 liters	R 626.00	R 689.00
8.3 Capacity from 4,501 liters to 23,000 liters	R 735.00	R 809.00
8.4 Capacity from 23,001 liters to 100,000 liters	R 1037.00	R 1141.00
8.5 Capacity from 100,001 liters to 200,000 liters	R 3127.00	R 3440.00
8.6 Bulk Depot – more than 200,000 liters	R 5623.00	R 6185.00
8. Group IV: Flammable solids		See point 7(5) Below

9. Group V: Oxidizing agents & organic peroxides		See point 7(5) Below
10. Group VI: Toxic/Infective substances		See point 7(5) Below
11. Group VII: Radio active		See point 7(5) Below
12. Group VIII: Corrosive/caustic substances		See point 7(5) Below
13. Group IX: Miscellaneous substances		See point 7(5) Below
14. Transfer of certificate of registration/permit	R 680.00	R 748.00
15. Duplicate document	R 906.00	R 997.00
16. Payment of yearly fees		
17.1 For the issue of every certificate of registration or permit the yearly charges shall be as prescribed in this schedule: Provided that if liability to pay charges arises on or after 01 July in a year, the charges payable shall be half the yearly charges.		
17.2 For the annual renewal of a certificate of registration or permit, the charges shall be as prescribed in this schedule		

4. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF INSPECTION OF VEHICLES TRANSPORTING HAZARDOUS SUBSTANCES/TRANSPORTING HAZARDOUS SUBSTANCES**

Table 5

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2020
1. Road tank trailer	Yearly R 857.00	Yearly R 943.00
2. Motor vehicle, other than a road tank trailer, designed to be used for the conveyance of hazardous substances in excess of the amount permitted	R 857.00	R 943.00
3. Any vehicle, other than a motor vehicle or a road tank trailer, designed to be used for the conveyance of hazardous substances in excess of the amount permitted	R 857.00	R 943.00

4. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF FIRE PREVENTION INSPECTIONS CARRIED OUT ON PREMISES**

Table 6

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2020
1. Per Fire Prevention Inspection	Yearly R453.00	Yearly R 498.00

5. The following tariffs shall be applicable on Fire Brigade Services on TARIFF OF CHARGES IN RESPECT OF APPLICATION FOR POPULATION CERTIFICATES ON PREMISES

Table 7

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2020
1. Population Certificate	Yearly	Yearly
	R906.00	R 997.00

6. The following tariffs shall be applicable on Fire Brigade Services on TARIFF OF CHARGES IN RESPECT OF REGISTRATION TO INSTALL AND MAINTAIN FIRE FIGHTING EQUIPMENT

Table 8

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2020
1. Certificate to install and maintain firefighting equipment	Yearly	Yearly
	R440.00	R 484.00

7. **GENERAL DIRECTIVES FOR THE PAYMENT OF THE ABOVE FEES**

- 1) All certificates of registration, certificates of fitness and/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, where applicable, is duly signed.
- 4) If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of fitness 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) (a) The tariff for premises that are liable for registration in respect of table 3 point 9 - 14, or a combination of them, will be a single fee of R 675.00, irrespective of the combination of items: Provided that such combination applies to one premises and is under the same control.
- (b) 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.

8. **EXEMPTION**

The fees payable in terms of the above are not applicable to property of the controlling authority, unless the property is leased.

9. **ADJUSTMENT IN FEES PAYABLE TO THE SERVICE AS CONTEMPLATED IN TABEL 1 TO 8 OF THIS ANNEXURE**

The Service must ensure that all fees referred to I Table 1 to 8 of this annexure are adjusted to keep trend with inflation according to the consumer price index.

ANNEXURE II**OFFICIAL DOCUMENTS****A. GENERAL**

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

B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer
9. The date on which the document was issued
10. The expiry date of the document
11. The type of document, such as:
 - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
 - (2) "Application for a certificate of fitness" or "Certificate of fitness"
 - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/spraying permit"
 - (4) "Application for transport permit" or "Transport Permit"
 - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
12. Any other relevant information such as:
 - (1) The groups and subgroups of hazardous substances for which registration is required
 - (2) The required quantity of each group of hazardous substance
 - (3) The manner in which the substance are to be stored, for example –
 - (a) in an underground storage tank;
 - (b) in an above-ground storage tank;
 - (c) in a hazardous substance store; or
 - (d) in a manifold installation

- (4) An indication of all spray-painting rooms and submersion tanks, as the case may be
- 13. A watermark (on all permits and certificates)
- 14. A serial number (on all permits and certificates)
- 15. A receipt number (on all permits and certificates)
- 16. The official stamp of the Service.

C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

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

2. PERMITS AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in table 3 – 7 in Annexure I to these by-laws must appear at the top of all permits and certificates.

- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph B

3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph B, a round disc with the following information must form part of the official documentation of the Service in case of transport permits:

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

ANNEXURE III**EMERGENCY EVACUATION PLANS****A. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. 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.
2. All emergency evacuation plans must be drilled at least twice a year, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing on an emergency evacuation drill plan at least 21 calendar days prior to the proposed date of the drill.
3. 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.
4. Any emergency evacuation plan must be compiled in the dominant, official language(s) (which must be an official language of the Republic) of the employer.

B. 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. **Dealing with and furnishing information contained in the emergency evacuation plan**
 - (1) **The emergency evacuation plan in its entirety**
 - (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
 - (b) A number of copies must be kept in a safe in the control room.
 - (2) **Emergency telephone numbers and bomb threat questionnaire**

Emergency telephone numbers and bomb threat questionnaire must be on hand at all telephones on the premises.
 - (3) **Duties and responsibilities of emergency personnel**

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.
 - (4) **Action plans and emergency actions**

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.
 - (5) **Plans of the layout of the premises and escape routes**

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

3. Training of Staff members

Staff members must be trained in the following:

- (1) First aid and/or firefighting
 - (2) Emergency aid
 - (3) Emergency evacuation procedures
 - (4) Emergency management techniques
- (Drills of the emergency evacuation plan are an excellent training program and offer the opportunity for the improvement of the plan.)

C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

Any emergency evacuation plan must contain the following:

- (1) Emergency telephone numbers
- (2) The following general information:
 - (a) The address of the premises in question
 - (b) The nature of the activities on the premises
 - (c) The number of staff members present on the premises at any time
 - (d) An indication of whether or not there is a control room in the premises
 - (e) An indication of whether or not there is an alarm system on the premises
 - (f) Particulars of contact persons
- (3) An area study with the following information:
 - (a) History of incidents on the premises
 - (b) Important features/landmarks with regard to the location of the premises
 - (c) Key information of adjacent premises
- (4) Particulars regarding socioeconomic 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
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises
- (10) An emergency plan register with the following information:
 - (a) Updated register of emergency evacuation plan
 - (b) Drill register of emergency evacuation plan
- (11) A bomb threat questionnaire

ANNEXURE IV**IDENTIFICATION OF DESIGNATED OFFICERS****1. REQUIREMENTS FOR THE CERTIFICATE OF APPOINTMENT**

The following particulars, as prescribed in section 3 of Government Notice R 159 of 2 February 1979, must appear on the certificate of appointment in at least two of the official languages of the Republic, where applicable:

- (1) The full name of the person appointed;
- (2) The person's identity number
- (3) The person's signature
- (4) The person's photograph
- (5) A description of the capacity in which the person is appointed
- (6) The name of the employer who made the appointment; and
- (7) The signature and official stamp of the employer or responsible person

2. POWERS OF DESIGNATED OFFICERS

The powers of designated officers must appear on the reverse of the certificate of appointment, or alternatively, on a supplementary card of the same size, and this card must be attached to the certificate of appointment, with the following, in at least two of the official languages of the Republic, where applicable:

POWERS

The bearer of this certificate is a LAW ENFORCEMENT OFFICER in terms of Government Notice R 159 of 2 February 1979, as amended, and has been appointed a DEPUTY MESSENGER OF THE COURT in terms of section 15(2) of the Magistrates Court Act, 1944 (Act 32 of 1944).

3. APPOINTMENT AS INSPECTOR OF EXPLOSIVES

- (1) All designated officers must also possess certificates of appointment, issued by the Chief Inspector of Explosives in terms of Section 2(5) of the Explosives Act, 1956, for the purposes of policing and enforcing the law with regard to the storage, sale and use of fireworks.
- (2) The layout details of the certificate of appointment must correspond in toto to the layout details set out in clauses 1 and 2 above, and the bearer must produce this certificate as identification together with the certificate of appointment referred to in clause 1.
- (3) The following information, in at least two of the official languages of the Republic, where applicable, must appear on the certificate:

POWERS

The bearer of this certificate is an INSPECTOR OF EXPLOSIVES in terms of section 2(5) of the Explosives Act, 1956 (Act 26 of 1956), with regard to the STORAGE, SALE AND USE OF FIREWORKS.

ANNEXURE V**NORMATIVE REFERENCE LIST****1. NORMATIVE REFERENCES****1.1 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 ACT
1	63 OF 1977	Health Act, 1977
2	99 of 1987	Fire Brigade Service Act , 1987
3	32 of 2000	Municipal Service Act, 2000
4	117 of 1998	Municipal Structure Act, 1998
5	103 of 1977	National Building Regulations and Building Standards Act, 1977
6	101 of 1998	National Veldt and Forest Fire Act, 1998
7	10 of 1998	Rationalization of Local Government Affairs Act, 1988
8	15 of 1973	Hazardous Substances Act, 1973
9	85 of 1993	Occupational Health and Safety Act, 1993
10	93 of 1996	National Road Traffic Act, 1996
11	68 of 1995	South African Police Service Act, 1995
12	32 of 1944	Magistrates Court Act, 1944
13	26 of 1956	Explosives Act, 1956
14	74 of 1977	Road Transportation Act, 1977
15	43 of 1996	National Archives of South Africa Act, 1996
16		Merchant Shipping (National Small Vessel Safety) Regulations 2007
17	57 of 1951	Merchant Shipping Act, 1951
18	13 of 2001	Marine Notice No 13 of 2011

1.2 SOUTH AFRICAN NATIONAL STANDARDS AS WELL AS SABS CODES OF PRACTICES AND SPECIFICATIONS

Where reference is made in these by-laws to an SABS or SANS number, the reference relates to the latest amended version of a document bearing the number and title indicated in the following table –

NO	NO OF STANDARD	TITLE OF STANDARD / CODE OF PRACTICE / SPECIFICATIONS
1	SABS 193	Fire Dampers
2	SABS 314	Electrical Wiring
3	SABS 541	Fire Hose Reels (with hose)
4	SABS 1186	Symbolic Safety Signage

5	SABS 1128 – 1	Fighting Equipment Part 1: Components of underground and above- ground hydrant systems
6	SABS 1128 – 1	Fire Fighting Equipment Part 1: Hose couplings, connectors and branch pipe and nozzle connections
7	SABS 1253	Fire Door Assemblies
8	SABS 1398	Road Tank Vehicles for Petroleum-Based Flammable Liquids
9	SABS 1475 – 1	The Production of Reconditioned Fire-Fighting Equipment Part 1: Portable Rechargeable Fire Extinguishers
10	SABS 1475 – 2	The Production of Reconditioned Fire-Fighting Equipment Part 2 : Fire Hose Reels
11	SABS 1535	Glass – Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
12	SABS 1567	Portable Rechargeable Fire Extinguishers – Carbon Dioxide type
13	SANS 1910	Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14	SANS 10087 – 1	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1: Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500 Liter and combined water capacity not exceeding 3000 Liter per installation
15	SANS 10087 – 2	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2: Installations in mobile units and small non- permanent buildings
16	SANS 10087 – 3	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3: Liquefied petroleum gas installations involving storage of vessels of individual water capacity exceeding 500 Liter
17	SANS 10087 – 4	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4: Transportation of LPG in bulk by road
18	SANS 10087 – 6	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application if liquefied petroleum gas as an engine fuel for internal combustion engines
19	SANS 10087 – 7	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
20	SANS 10087 – 8	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8: The fueling of fork lift trucks and other gas operated vehivles
21	SABS 089 – 1	The petroleum industry Part 1: Storage and distribution of petroleum products in above-ground bulk installations
22	SABS 089 – 2	The petroleum industry Part 2: Electrical code
23	SABS 289 – 3	The petroleum industry Part 3: The installation of underground storage tanks, pumps/dispensers and pipe work at service stations and consumer installations
24	SABS 086 – 1	The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations other then mines
25	SABS 0105 – 1	The classification, use and control of fire-fighting equipment Part 1: Portable fire extinguishers

26	SABS 0105 – 2	The classification, use and control of fire-fighting equipment Part 2 : Fire hose reels
27	SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations
28	SABS 0189	The operation, handling and maintenance of road tank vehicles for flammable liquid
29	SANS 10019	Portable metal containers for compressed gasses: Basic design criteria, use and maintenance
30	SANS 10090	Community Protection Against Fire
31	SANS 10131	The Storage and Handling of Liquid Fuel
32	SANS 10400	The Application of the National Building Regulations
33	SANS 1850	The Design and Manufacture of Commercial Kitchen Extrication Systems
34	SABS 0288	The Identification and Classification of Dangerous Substances and Goods
35	SABS 0029	Packaging of Dangerous Goods For Road Traffic and Rail Transportation in South Africa
36	SABS 0230	Transportation of Dangerous Goods – Inspection requirements of Road Vehicles
37	SABS 0231	Transportation of Dangerous Goods – Operational requirements for Road Vehicles
38	SABS 0232 – 1	Transportation of Dangerous Goods – Emergency Information Systems – Part 1: Emergency Information System for Road Transportation
39	SABS 0232 – 2	Transportation of Dangerous Goods – Emergency Information Systems – Part 2: Emergency Information System for Rail Transportation
40	SABS 0232 – 3	Transportation of Dangerous Goods – Emergency Information Systems – Part 3: Emergency Action Codes
41	SABS 0233	Intermediate bulk containers for dangerous substances
42	SABS 0252 – 1	Water supply and drainage for buildings Part 1: water supply installations for buildings
43	SABS 0263	The Warehousing of Dangerous Goods – Enclosed storage areas and covered and uncovered outdoor storage yards
44	SABS 0287	Automatic sprinkler installations for fire-fighting purposes

ANNEXURE VI**Safety Appliances and equipment**

1	Approved buoyancy Aid	One buoyancy aid of appropriate size to be provided for the skipper as well as each member on vessel
2	Waterproof torch including a full set of spare batteries and spare bulb	Spare bulb and batteries to be kept in watertight container- required only for vessels operating at night time
3	Hand Held Spotlight with own 12 V Battery	required only for vessels operating at night time
4	Suitable Fire Extinguisher	One per engine and, in decked vessels of 9 m or more in overall length, one in each of the following compartments where formed by complete transverse bulkheads: sleeping accommodation, galley and wheelhouse
5	Power-driven or hand operated fire-pump with hose	Required only for passenger vessels of 9 m or more in overall length. The hose must be capable of reaching all parts of the vessel and of delivering a jet of water at least 3 m in length through an adjustable jet of spray nozzle of no less than 5 mm in diameter
6	2 oars or paddles	Required only for power-driven vessels fitted with a single outboard petrol engine
7	Capsize rope for use when vessel is inverted in water	Required only for inflatable vessels and or ski-boats of less than 9 m in overall length
8	Proper patent anchor and chain suitable length of rope of suitable strength for the area of operation	Length of chain vessels of 6 m or more in overall length – at least 5 m Length of chain vessel less than 6 m in overall length – at least 3 m Length of rope – At least 100 m
9	First Aid Kit	Suitable for vessels size and to the satisfaction of the safety officer
10	Spares	Adequate for the purpose if carrying out emergency repairs to machinery and essential equipment on board
11	Tools	Adequate for the purpose if carrying out emergency repairs to machinery and essential equipment on board

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