

MANGAUNG METROPOLITAN MUNICIPALITY

FIRE AND EMERGENCY SERVICES BY-LAWS

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**PART I
DEFINITIONS**

1. 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 installation and/or service installation;

"animal" means any animal that is kept for domestic or agricultural purposes within the area of the municipality;

"building" includes -

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

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

"certificate of appointment" means an identification document issued by the Chief Fire Officer to a member;

"certificate of fitness" means a certificate contemplated in section 20 of these by-laws, which certificate has been issued by the Chief Fire Officer in terms of fire related requirements to authorise a person to occupy designated premises (which are a public building) accordingly;

"certificate of registration" means a certificate issued by the Chief Fire Officer in terms of section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of dangerous goods, by having complied to all fire related requirements.

"Chief Fire Officer" means the person appointed by the Council in terms of section 5(1) of the Fire Brigade Services Act, No. 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, and any person acting in the position of the Chief Fire Officer and "Fire: Chief" has a corresponding meaning;

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

"control room" means a room on any premises which is specifically designed, built and equipped to coordinate and control an emergency situation in or on the premises in question;

"Council" means the municipal council of the Mangaung Metropolitan Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"dangerous good" means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX dangerous good in terms of section 2(1) of the Hazardous Substances Act, 1973;

"designated premises" means any premises designated by the Chief Fire Officer with a view to an emergency evacuation plan as contemplated in section 16 of these by-laws;

"device" means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

"discharge" means the ignition or activation of any fireworks whatsoever;

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

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

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

"emergency evacuation plan" means a written procedure and a set of detailed plans as contemplated in Annexure B 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;

"explosive(s)" means explosive as defined in the Explosives Act, No. 15 of 2003 and any Regulations promulgated under the Act

"facility" means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

"fire area" means the area of jurisdiction of the Council in which provision is made for fire protection as defined in SANS 10090;

"fire-fighting equipment" means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

"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 risks of limited buildings and remote from urban areas.
- Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbors, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

NOTE: High-rise buildings, as defined in SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety deficiencies may, however, be classed as special risks.

"fireworks" means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956);

"hazardous substance" means any hazardous substance contemplated in the Hazardous Substances Act, No. 15 of 1973, any regulations made under that Act."

"liquefied petroleum gas" means a mixture of light hydrocarbons (predominantly propane, propene, butane, butene) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature"

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

"municipality" means the Mangaung Metropolitan Municipality, and when referred to as -

- (a) an entity, means Mangaung Metropolitan Municipality as described in section 2 of the Systems Act; and
- (b) a geographic area, means the municipal area of Mangaung Metropolitan Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998)

...

"National Building Regulations" means the National Building Regulations made in terms of section 17 of the Act and to be read in conjunction with the Building Standard Act 103 of 1977 as amended;

"occupancy", in relation to any public building, means the assembly of people in or on any such premises **"occupier"** means any person who occupies or has control over any premises, ;

"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 , whether for his/her own account or as an agent and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of section 18 of the Fire Brigade Services Act, 1987, the

body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

"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

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

"public place" means any path, street, walk-way, side-walk, park, place of rest or other place in which the public has authorised or unimpeded access;

"rational design" as defined in SANS 10400;

"Guidelines" means Guidelines for the provision of Engineering Services and Amenities

"registered premises" means any premises in respect of which a certificate of registration has been issued,

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

"SANS" means the South African National Standards determined and approved by the South African Buro for Standards;

"Service" means the Fire Brigade Service established by the Council as contemplated in section 1 of the Fire Brigade Services Act, 1987;

"spray" means to spray, coat, plate or epoxy-coat with any hazardous substance and spraying has a similar meaning; **"service installation"** means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies;

"spraying permit" means a permit issued by the Chief Fire Officer in terms of section 45(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 dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and "spraying booth" and "submersion tank", as well as any related process involving electrolysis, have a corresponding meaning;

"storeroom" means a room, which is constructed, equipped and maintained as contemplated in section 43 of these by-laws;

"storey" means that part of a building, which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building -

- (a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, the lower or lowest of these storeys;
- (b) a basement will be regarded as any part of the building, which is below the level of the ground

- storey;
- (c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- (d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;

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

"vehicle" includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996),;

PART II ADMINISTRATIVE PROVISIONS

ORGANISATION OF THE SERVICE

- 2. (1) The Council has established a Fire Brigade Service as contemplated in Section 3 of the Act, as amended,
- (2) The Council maintains the Service within its area, which includes
 - (a) the appointment of a Chief Fire Officer and the necessary members of the Service
 - (b) ensuring that the members and other personnel are properly trained;
 - (c) acquisition of vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to attain its objectives being:
 - (i) preventing the outbreak or spread of a fire;
 - (ii) fighting or extinguishing a fire;
 - (iii) the protection of life or property against a fire or other threatening danger;
 - (iv) the rescue of life or property from a fire or other threatening danger;
 - (v) the performance of any other function connected with any of the matters referred to in subsection 2(c)(i) to (iv).
- (3) The Chief Fire Officer is in charge of the day to day affairs and operation of the Service.
- (4) The Council may, in terms of an agreement as contemplated in section 12 of the Act, employ its Service within or outside the municipality, or within or outside the Free State Province, against payment of the tariffs as determined by the Council from time to time, 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 authority of the Chief Fire Officer, drive a Service vehicle if he or she has the applicable driver's licence for the vehicle in question as required by the National Road Traffic Act, 1996.

PRETENDING TO BE A MEMBER

- 4. (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service except with the permission of the Chief Fire Officer, which permission may be granted for a certain period or purpose;
- (2) No person may pretend to be a member of the Service;
- (3) Any person who represents himself or herself as a member must identify himself or herself, if requested to do so by a member, by producing the relevant certificate of appointment.

POWERS OF MEMBERS AND DESIGNATED OFFICERS

- 5. (1) Every member, of the Service, has all the powers provided for in the Act.

- (2) A designated officer as contemplated in subsection (4)(a) may -
- (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
 - (b) institute the relevant prosecution in connection with any contravention of this or any other section of these by-laws or have the prosecution instituted, as the case may be; and
 - (c) seize anything (hereinafter called "an object") on any premises connected with a spraying permit, certificate of registration or certificate of fitness and must remove an object or have an object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other provisions of these by-laws: Provided further that the seizure is made in accordance with the following conditions:
 - (i) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of an object.
 - (iii) After a compliance notice issued in terms of the Act or these by-laws has been complied with in full or after a prosecution has been instituted and finalised, as the case may be, an object seized must be released to the person from whose possession it was taken subject to any order of court.
- (3) A designated officer seizing an object in terms of subsection (2) shall not be liable for any damages or loss as stipulated in section 20 of the Act.
- (4) Any member may temporarily close or seal off any building, premises, road, passage or place which he or she deems necessary in the interest of public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the building, premises, road, passage or place after having been requested by the member to do so.
- (5) (a) Designated officers must be appointed as peace officers and designated as such.
- (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;
 - (ii) in terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue notices;
 - (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 request certain persons for their names and addresses and to arrest persons without a warrant of arrest if duly authorised to do so; and
 - (v) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

MAKING SERVICE EQUIPMENT AND STAFF AVAILABLE

6. (1) At the discretion of the Chief Fire Officer, the Service may, at the request of any body or

person and at the tariffs determined by the Council from time to time, use any equipment or staff at its disposal to provide any service in connection with the objectives of the Service.

- (2) The said equipment or staff may be withdrawn summarily if the equipment or staff is required elsewhere for or in connection with an emergency situation.

PART III

FIRE PROTECTION AND FIRE-FIGHTING

COMBUSTIBLE MATERIALS AND REFUSE

7. (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, position and quantity as to likely pose a fire hazard.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard on such premises or to any adjacent premises or any other person's property.
- (3) A designated officer may, arising from a condition referred to in this section, serve on the occupier of the premises a compliance notice to rectify the condition.
- (4) Failure to comply with a compliance notice issued in terms of subsection (3) shall constitute a contravention of these by-laws.

MAKING FIRES

8. (1) No person may, subject to the provisions of the Veld and Forest Fire Act, 1998 (Act 101 of 1998) within the Municipality, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place 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 a purpose-built 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 liquefied 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 burn any refuse, wood, straw or other combustible materials or have them burnt or permit them to be burnt within the municipality, subject to the provisions of subsection (1).

INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

9. (1) Any designated officer contemplated in section 5 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, emergency, dangerous goods or other hazard on the premises.
- (2) A designated officer may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a compliance notice to rectify the condition on the premises.
- (3) The Chief Fire Officer may after receipt of a written application to do so, amend the

stipulations of a compliance notice issued in terms of this section.

ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS

10. (1) Fire-fighting equipment and fire fighting installations must be installed in such a manner so that it is readily accessible at all times.
- (2) Any person who, in whatever way, causes or permits fire-fighting equipment or fire fighting installations not to be readily accessible is guilty of an offence.

FIRE PROTECTION REQUIREMENTS FOR PREMISES

11. (1) 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 stormwater drain
- (2) No high- 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 or maintenance.
- (3) Whenever an approved sprinkler system is required the sprinkler system must be planned, designed and installed in accordance with SANS 10287 for automatic sprinkler installations and to the satisfaction of the Chief Fire Officer.
- (4) Any person who fails to comply with any of the provisions of subsections (1) (2) or (3) where the provisions relate to fire protection matters, is guilty of a contravention of these by-laws.

ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

12. All premises in the Municipality must be planned, designed and constructed so as to ensure that -
 - (1) 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 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
 - (2) whenever any entrance arch spans a driveway to a premises, the dimensions of the opening of the arch must be at least 3,5m wide and 4,2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5 m.

UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS

13. (1) The owner of any premises must ensure that -
 - (a) all fire-fighting equipment and fire fighting 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 or firm approved by the SABS as contemplated in SANS 1475 and registered in terms of SANS 1475;
 - (b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;

- (c) fire fighting installations are inspected and serviced by a registered person in accordance with the specifications of the manufacturers of the installations.
- (2) Any person who inspects, services, renews, replaces or repairs any fire fighting installation must -
 - (a) on completing the work, certify that the fire fighting installation is fully functional; and
 - (b) notify the Chief Fire Officer immediately in writing if he finds that the fire fighting 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 fire fighting installations on his premises and submit the record to the Chief Fire Officer upon request by a designated officer.

EXTRACTOR FAN SYSTEMS

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

RATIONAL DESIGNS

- 15. (1) The construction, design and/or erection of -
 - (a) hangars;
 - (b) helipads;
 - (c) grain silos;
 - (d) atriums;
 - (e) air traffic control towers; and
 - (f) any other structure or building identified at the discretion of the Chief Fire Officer,
 in the municipality, must comply with an acceptable rational design, submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for -
 - (a) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
 - (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
 - (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and

- (d) earthing devices for discharging static electricity.

EMERGENCY EVACUATION PLANS

- 16. (1) The owner or occupier of designated premises must -
 - (a) within 30 days after the premises have been designated by the Chief Fire Officer, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Chief Fire Officer, which plan must be in accordance with the guidelines prescribed in Annexure B to these by-laws;
 - (b) constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
 - (c) ensure that -
 - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Chief Fire Officer requires revision or updating, but in any case at least every twelve months;
 - (ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
 - (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Chief Fire Officer; and
 - (d) identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
 - (e) An EEP (Emergency Evacuation Plan) box, as described in Annexure C shall be installed in a prominent position at the main entrance of the premises.
- (2) The Chief Fire Officer may from time to time -
 - (a) provide directives for updating or amending an emergency evacuation plan;
 - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
 - (c) require the owner or occupier of designated premises to furnish the Chief Fire Officer with a certified copy of any emergency evacuation plan and relevant documents on such day and at such time and place as the Chief Fire Officer may determine.
- (3) The Chief Fire Officer may by written notice issued to the owner or occupier designate any premises as premises requiring an emergency evacuation plan.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS

- 17. (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 Chief Fire Officer 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 by the Council from time to time,

when submitting the application form as indicated in Annexure A to these by-laws.

- (2) No certificate of fitness will be issued for a public building unless all 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 persons on the executive
 - (d) The permissible number of people in proportion to the usable floor area
 - (e) The number of escape doors 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) 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 Chief Fire Officer immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the Council
 - (a) is in possession of a set of plans referred to in section 11 of these by-laws and approved by the Chief Fire Officer; and
 - (b) has received the prescribed application form identified in Annexure A 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 or 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 authorisation granted in terms of these by-laws.
 - (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) The owner must submit, on or before the first working day of the month in which the permit expires of each year, together with the prescribed fees as determined by the Council from

time to time, an application for the renewal of the certificate of fitness to the Chief Fire Officer on the prescribed form: Provided that if the Chief Fire Officer for some reason requires plans of the premises in question for the purposes of the renewal application, the plans must accompany the application.

- (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

18. (1) Every person who develops or redevelops a township must:
- (a) design and develop that township with a sufficient water supply for purposes of fire fighting by members of the Service as specified in:
 - (i) SANS 10090 (Community Protection against Fire); and
 - (ii) the Guidelines
 - (b) plot the position of all fire hydrants on a plan for operational use by the Service;
 - (c) space all fire hydrants in accordance with SANS 10090 (Community Protection Against Fire), SANS 11200 and the Guidelines's specifications
 - (d) in the event that any risk area is developed or redeveloped in such a manner that the risk area falls into a higher risk category, adapt the water reticulation in accordance with the stipulations of subparagraphs (a) to (c) without delay,
- (2) No person may obtain a water connection to the water reticulation system of the Council unless fire protection plans for the premises, as contemplated in Regulation A9 of the National Building Regulations, have been approved by the Chief Fire Officer.
- (3) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must-
- (a) if the premises are protected by a sprinkler installation, ensure that-
 - i. the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
 - ii. the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) if the Chief Fire Officer requires a larger water connection for 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 larger water connection ; and
 - (c) ensure the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (5)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 10252, Part 1.

REGISTRATION APPLICATIONS FOR EXISTING PREMISES

19. If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure A 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.

**PART IV
DANGEROUS GOODS**

APPLICATION FOR APPROVAL OF PLANS

20. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and, or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage or handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the Council on the prescribed form obtainable from the office of the Building Control Officer.
- (2) 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 recommended for approval by the Chief Fire Officer and approved by the Council. For the duration of construction work on the premises the plans in question must be available for inspection by the Chief Fire Officer.
- (3) An MSDS (Material Safety Data Sheet) box, as described in Annexure C shall be installed in a prominent place at the main entrance of the premises.
- (4) 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

21. (1) No person may on any premises use, handle or store quantities of dangerous goods 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 A 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 | No exemption |
|-----------|--------------|

Group II: Gases

| | |
|---------------------|----------------------------------------------|
| 2.1 Flammable gases | Total cylinder capacity may not exceed 100kg |
|---------------------|----------------------------------------------|

| | |
|-------------------------|-----------------------------------------------|
| 2.2 Non-flammable gases | Total cylinder capacity may not exceed 333 kg |
|-------------------------|-----------------------------------------------|

| | |
|-----------------|--------------|
| 2.3 Toxic gases | No exemption |
|-----------------|--------------|

Group III: Flammable liquids

| | |
|------------------------------------------------------|-------------------------------------|
| 3.1 With flash points $\square > 18^{\circ}\text{C}$ | Total quantity may not exceed 100 l |
|------------------------------------------------------|-------------------------------------|

| | |
|---------------------------------------------------------------------------------|-------------------------------------|
| 3.2 With flash points $> 18^{\circ}\text{C}$ but $\square < 23^{\circ}\text{C}$ | Total quantity may not exceed 420 l |
|---------------------------------------------------------------------------------|-------------------------------------|

| | |
|----------------------------------------------|------------------------|
| 3.3 With flash points $> 23^{\circ}\text{C}$ | Total quantity may not |
|----------------------------------------------|------------------------|

| | | |
|--------------------|--------------------------------------------------------------------|--------------------------------------------------------------|
| | but < 61 °C | exceed 1 100 l |
| 3.4 | With flash points > 61 °C but <input type="checkbox"/> < 100 °C | Total quantity may not exceed 1 100 l |
| Group IV: | Flammable solids | |
| 4.1 | Flammable solids | Total quantity may not exceed 250 kg |
| 4.2 | Pyrophoric substances | No exemption |
| 4.3 | Water-reactive substances | No exemption |
| Group V: | Oxidising agents and organic peroxides | |
| 5.1 | Oxidising agents | Total quantity may not exceed 200 kg |
| 5.2 | Group I organic | No exemption peroxides in packets |
| 5.3 | Group II organic | Total quantity may not peroxides in packets exceed 200 kg |
| Group VI: | Toxic/infective substances | |
| 6.1 | Group I toxic substances in packets | Total quantity may not exceed 5 kg |
| 6.2 | Group II toxic substances in packets | Total quantity may not exceed 50 kg |
| 6.3 | Group III toxic substances in packets | Total quantity may not exceed 500 kg |
| 6.4 | Infective substances | No exemption |
| Group VII: | Radioactive materials | No exemption |
| Group VIII: | Corrosive/caustic substances | |
| 8.1 | Group I acids in packets | Total quantity may not exceed 50 kg |
| 8.2 | Group II acids in packets | Total quantity may not exceed 200 kg |
| 8.3 | Group III acids in packets | Total quantity may not exceed 1 000 kg |
| 8.4 | Group I alkaline substances in packets | Total quantity may not exceed 50 kg |
| 8.5 | Group II alkaline substances in packets | Total quantity may not exceed 200 kg |
| 8.6 | Group III alkaline substances in packets | Total quantity may not exceed 1 000 kg |
| Group IX: | Miscellaneous substances | |
| 9.1 | Liquids | Total quantity may not exceed 210 l |

9.2 Solids

Total quantity may not exceed
210 kg

- (2) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the dangerous goods are stored, used or handled in such place or in such manner as to ensure that -
- (a) no dangerous good or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
 - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Dangerous goods may be stored on unregistered premises only if the dangerous goods are, when not in use, stored in strong, labelled containers that seal tightly.
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure A to these by-laws, has been submitted to the Chief Fire Officer, together with the fees determined by the Council from time to time by way of resolution.
- (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 dangerous goods for which the premises has been registered;
 - (d) must reflect the number of aboveground and 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 delivery capacity of each installation;
 - (g) must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
 - (h) must reflect a serial number;
 - (i) must indicate whether the issue of such certificate is permanent or temporary;
 - (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Chief Fire Officer at least one calendar month prior to the expiry date;

- (k) is not transferable from premises to premises;
 - (l) must, subject to section 19 of these by-laws, be transferable from owner to owner and/or from control to control on the same premises: Provided that -
 - (i) application for such transfer is made to the Chief Fire Officer on the prescribed form; or
 - (ii) if the trade name of the premises changes, the holder of the spraying permit or certificate of registration must ensure that the change is immediately brought to the attention of the Chief Fire Officer;
 - (m) will not be issued unless the Chief Fire Officer is in possession of a set of approved plans as required by section 20 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 or her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
 - (b) The Chief Fire Officer 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 or her certificate of registration to the Chief Fire Officer for amendment.
- (8) The holder of a certificate of registration must ensure that he or she is at all times in possession of a valid certificate of registration.
- (9) No person may alter or attempt to alter any certificate of registration.

SUPPLY OF DANGEROUS GOODS

22. (1) No person may -
- (a) supply more dangerous goods than the quantities referred to in section 21(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
 - (b) deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration 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 dangerous good in a manner that will or may damage that container, or permit the container to be damaged.

EXEMPTIONS

23. (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 1 100 L and the fuel tank is surrounded by a liquid-proof retaining wall filled with -

- (i) granite ballast with a nominal diameter of at least 40 mm; or
- (ii) quartzite ballast with a nominal diameter of at least 50 mm:

Provided further that the bund area must be capable of containing the maximum capacity of the fuel tank, plus 10% of the volume of the tank.

RENEWAL OF SPRAYING PERMITS AND CERTIFICATES OF REGISTRATION

- 24. (1) Any holder of a certificate of registration or spraying permit must, at least thirty days prior to the expiry date of the permit, submit an application for renewal of the certificate or permit to the Chief Fire Officer on the prescribed form, which form must be accompanied by the fees determined by the Council from time to time : Provided that the Chief Fire Officer may require additional or amended plans of the premises in question for the purposes of renewal.
- (2) The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.

TEMPORARY STORAGE OF DANGEROUS GOODS

- 25. (1) The Chief Fire Officer 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 dangerous goods on the premises than the quantities contemplated in section 21(1) of these by-laws: Provided that –
 - (a) if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000ℓ;
 - (b) an application is submitted on the prescribed form, accompanied by the fees determined by the Council from time to time, together with the plans required by section 20 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 –
 - (a) the storage tank is surrounded by a liquid-proof retaining wall filled with -
 - (i) granite ballast with a nominal diameter of at least 40 mm; or
 - (ii) quartzite ballast with a nominal diameter of at least 50 mm:

Provided further that the bund area must be capable of containing the maximum capacity of the fuel tank, plus 10% of the volume of the tank.
 - (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (c) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road or driveway;
 - (d) no source of ignition or potential ignition is brought within 5 m of the storage tank;
 - (e) 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
 - (f) a minimum of two 9kg 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 DANGEROUS GOODS

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

PROHIBITION OF CERTAIN ACTIONS

27. (1) Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not -
- (a) do anything or allow anything to be done that may reasonably result in or cause a fire or an explosion; and
 - (b) do anything or allow anything to be done that may obstruct the escape to safety of any human being or animal during an emergency.
- (2) No person may
- (a) dump or spill any dangerous good into any borehole, pit, sewer, drain system or

surface water or permit it to be done,

- (b) discard or allow the discarding of dangerous goods in any manner other than by an organisation that is fully equipped to do so.
- (c) light, bring or use, any fire or anything else that produces or is capable of producing an open flame or permit any other person to do so, within 5 metres of any place where dangerous goods are stored.
- (d) use or allow to be used any device in connection with dangerous goods in any basement level in a building, excluding a gas welding device or gas cutting device for the sole purpose of maintenance of that building, .
- (e) while any other person, except the driver or any other person responsible for the bus contemplated in the National Road Traffic Act, is in or on the bus –
 - i. fill the fuel tank or permit it to be filled, or
 - ii. transport or allow the transport of any dangerous good in or on such bus, except in its fuel tank,
- (f) deliver or supply or allow to be delivered or supplied, any dangerous goods to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

"NO SMOKING" SIGNS

28. The owner of a building, where flammable or explosive dangerous goods are used, stored and handled, must, in the affected areas display symbolic signs-
- (a) prohibiting smoking and open flames, which conform with SANS 1186 and are of the appropriate size as specified by the Chief Fire Officer and
 - (b) prominently in appropriate places where the sign can be clearly observed.

FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS

29. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 21 of these by-laws or a spraying permit in terms of section 42(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration or spraying permit applies are equipped with -
- (a) portable fire extinguishers to the satisfaction of the Chief Fire Officer,
 - (b) hose reels to the satisfaction of the Chief Fire Officer,
 - (c) fire hydrants to the satisfaction of the Chief Fire Officer, and
 - (d) approved sprinkler systems to the Chief Fire Officer.
- (2) Fire-fighting equipment and fire fighting installations must be inspected and serviced by a registered person in accordance with the specifications of the manufacturers of the equipment to the satisfaction of the Chief Fire Officer.
- (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs to the satisfaction of the Chief Fire Officer.

REPORTING OF FIRES, ACCIDENTS AND DUMPING

30. (1) The occupier of any premises must immediately report any fire, accident or dumping involving dangerous good on the premises that has caused damage to property, the ecology or the environment or injury to human beings or animals to the Chief Fire Officer, who in turn must

report incidents involving the ecology or the environment to the Council's official responsible for Environmental Management.

- (2) The Chief Fire Officer may recover any costs incurred by the Municipality from any person causing damage, pollution,

SAMPLING

31. (1) Whenever a designated officer inspects any premises and suspects that a substance on the premises is hazardous, the Chief Fire Officer may compel the owner or occupier of such premises to have a sample taken and analyzed for the cost of the owner or occupier of such premises.
- (2) Any sample:
- (a) so taken must be taken in the presence of the owner or occupier or any other third party;
 - (b) must be divided into two equal parts and be sealed in similar suitable containers, one of which must be provided to the Chief Fire Officer, 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)
 - (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;
 - (c) must be taken immediately to an accredited institution as determined by the Chief Fire Officer 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 Chief Fire Officer may consider and/or deem necessary, as the case may be.

STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

32. (1) The owner or user of any storage tank or related device that has become obsolete must, in accordance with the provisions of section 33 of these by-laws, remove the tank, installation or device or have the tank or device removed, or fill up the tank with matter approved by the Department of Environmental Affairs and Tourism in order to render the tank safe.
- (2) The owner or user of any storage tank or related device, removed in accordance with subsection (1), must dispose of such a storage tank or related device in the manner approved by the Chief Fire Officer.

INSTALLATION, ERECTION, REMOVAL AND DEMOLITION

33. (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or alter 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 has any of the above erected, installed,

removed, demolished, extended or altered, must notify the Chief Fire Officer of his or 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 A to these by-laws

- (2) Failure to comply with subsection (1) will *ipso facto* cancel the certificate of registration and spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these By-laws: Provided that the provisions of this section are not applicable whenever -
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
 - (b) any aboveground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any aboveground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) Subject to the provisions of section 20, no structure, installation or building may, after completion of the action referred to in subsection (1), be re – erected, re – used or re – installed on the same premises.
- (b) After re – erection, re – use or re – installation as contemplated in subsection (3) (a) application must be made for a certificate of fitness, spraying permit or certificate of registration in accordance with the provisions of PART IV, DANGEROUS GOODS, of these by-laws.

GROUP I DANGEROUS GOODS

34. All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 10228, 10229, 10232 and 10263, the Explosives Act, 2003, and the Hazardous Substances Act, 1973, and any regulations made under these Acts.

GROUP II DANGEROUS GOODS

35. (1) All portable metal containers and related devices for Group II dangerous goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SANS 10228, SANS 10229 and SANS 10238, as the case may be.
- (2) All portable metal containers for liquefied petroleum gas must be stored, filled and installed in accordance with the provisions of SANS 10228, SANS 10229, SANS 10238, SANS 10019 and SANS 10087, Parts I to VIII, as the case may be.
- (3) All portable containers for Group II liquefied, flammable, toxic, corrosive and dissolved gases as defined in SANS 10019 must at all times be transported, stored and installed in a vertical position.
- (4) All bulk containers for Group II dangerous goods must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10087, Part III; 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.
- (5) (a) No Group II flammable, toxic, and corrosive gas 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 liquefied petroleum gas container of a maximum water

capacity of 45 ℓ inside a detached private dwelling -house (H4 occupancy classification in terms of Regulation A 20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that liquefied petroleum gas will only be permitted indoors on condition that the prospective user ensures that there is sufficient natural ventilation from the room to the outdoors to ensure that any gas concentration in the room that may be caused by a leakage or potential leakage of the gas or by a negligent action in respect of the use of the gas will be so neutralised as not to be within the recognised explosive limits for the gas.

- (6) The design and construction of any liquefied petroleum gas manifold shall comply with the provisions of SANS 10087-1.
- (7) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices or hydrogen balloons indoors, for whatever purpose.
- (8) Whenever any person uses acetylene welding or cutting devices indoors, these devices must be used strictly in accordance with the requirements of SANS 10238: Provided that the Chief Fire Officer may prescribe additional fire protection requirements concerning the installation, storage and use of the devices.
- (9) The installation within the municipality of pipelines for any Group II dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 19, 20, 21, 22, 24, 26 and 28 of these by-laws.
- (10) Any pipeline for a Group II dangerous good must comply with the following requirements except where the owner or the person in charge of the pipeline is exempted in terms of Section 15 of the Gas Act, No. 48 of 2001 from obtaining a license from the Gas Regulator:
 - (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 ℓ per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area : Provided that where the installation of fire hydrants is not possible, the Chief Fire Officer may prescribe such alternative means of water provision deemed necessary to effect adequate fire protection of the installation. The owner must maintain the fire hydrants in a working condition at all times.
 - (b) The owner of the pipeline must provide sufficient cathodic protection if required for the pipeline and maintain the cathodic protection in a working condition at all times.
 - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - (d) The installation and extension of the pipeline and branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
 - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the Council and the owner of the pipeline.
 - (f) The owner or operator of any Group II dangerous good pipeline must submit, for the approval of the Chief Fire Officer, in writing the result of a risk assessment conducted in accordance with the regulations pertaining to Major Hazard Installations promulgated under the Occupational Health and Safety Act, No 85 of 1993.
 - (g) No persons may commence with the installation of a Group II Dangerous Goods

pipeline prior to receiving a written approval of the Chief Fire Officer in terms of subparagraph (f) above.

GROUP III DANGEROUS GOODS

36. (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III dangerous goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535:
- (2) Any person who installs, uses or attempts to install, or use any underground storage tank, which does not comply with the requirements of SANS 1535, is guilty of an offence.
- (3) Any pipeline for a Group III dangerous good must comply with the following requirements except where the owner or the person in charge of the pipeline is exempted in terms of Section 15 of the Gas Act, No. 48 of 2001 from obtaining a license from the Gas Regulator:
- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 ℓ per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area: Provided that where the installation of fire hydrants is not possible, the Chief Fire Officer may prescribe such alternative means of water provision deemed necessary to effect adequate fire protection of the installation. The owner must maintain the fire hydrants in a working condition at all times.
 - (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - (d) The installation and extension of the pipeline and branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
 - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the Council and the owner of the pipeline.
 - (f) The owner or operator of any Group III dangerous good pipeline must submit for the approval of the Chief Fire Officer, in writing, the result of a risk assessment conducted in accordance with the regulations pertaining to Major Hazard Installations promulgated under the Occupational Health and Safety Act, No 85 of 1993.

INSTALLATION OF STORAGE TANKS

37. (1) Any storage tank for Group III dangerous goods must be installed in accordance with the provisions of SANS 10400; SANS 10089, Parts I, II and III; SANS 10131, Parts I, II and III; SANS 10108 and SANS 10086, as the case may be: Provided that -
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131, Parts I, II and III, as the case may be;
 - (b) all pumps and filling devices installed indoors must be in a purpose-built, registered premises;
 - (c) all installations, as contemplated in subsection (1)(a) and (b), as the case may be, are subject *mutatis mutandis* to the provisions of section 20 and section 21 of these by-laws.

PART V

TRANSPORTATION OF DANGEROUS GOODS

SERVICE TRANSPORT PERMIT

38. (1) The owner of any vehicle intended to be used for transporting flammable substances or dangerous goods in the municipality must apply from the Chief Fire Officer for a transport permit on the prescribed forms indicated in Annexure A and upon expiry, renew a transport permit, in respect of such vehicle: Provided that -
- (a) each vehicle for which such a permit has been issued must comply with the provisions of this section;
 - (b) the application form must be completed correctly and in full;
 - (c) the application form must be accompanied by the fees prescribed by Council from time to time; and
 - (d) the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit is valid for a period of twelve months from the date of issue.;
- (3) The Chief Fire Officer 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) No person may alter or allow a transport permit to be altered.

PART VI

STOREROOMS FOR DANGEROUS GOODS

REQUIREMENTS FOR STOREROOMS

39. (1) The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 21 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the storeroom.
- (2) No person may use any storeroom or permit any storeroom to be used for Group III dangerous goods, unless symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SANS 1186, are conspicuously affixed to the storeroom.
- (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 on the same premises and be readily available for inspection.
- (4) The construction of any storeroom must be in accordance with the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- (a) The storeroom floor must consist of concrete;
 - (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes; and

- (c) the storeroom roof must consist of reinforced concrete with a fire resistance of at least 120 minutes; or any other non-combustible material, if the storeroom is not situated within 5 metres of any adjacent building or boundary of the premises; or adjoins a higher wall with no opening within 10 metres above and 5 metres on either side of the storeroom.
- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SABS 1253: Provided that -
- (a) the said doors must open to the outside and have a lock or locks approved by the Chief Fire Officer;
 - (b) in any storeroom, the travel distance to the nearest escape door shall not exceed 4 m;
 - (c) any escape door from a storeroom must at all times be capable of being opened easily from the inside without the use of a key; and
 - (d) any such escape door shall be provided with SANS approved safety signs, conspicuously placed, indicating the door to be an escape door.
- (6) Only non – opening steel window frames may be installed subject to:
- (a) the frames being fitted with wire glass with a minimum thickness of 8 mm; and
 - (b) such a window panel having a maximum size of 450 mm x 450 mm.
- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the doorsill to form a catch pit conforming to the following:
- (a) the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total volume of dangerous goods that can be stored in the storeroom, plus 10% of such maximum possible volume, with a maximum height of 450mm;
 - (b) if required by the Chief Fire Officer the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - (c) the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.
- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where the fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.
- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: subject to the following -
- (a) airbricks are to be provided in at least three external walls; and
 - (b) airbricks are to be positioned 100 mm above the level of the door sill and 100 mm below the roof and not more than 450 mm apart.

- (10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected or the depth of the catch pit 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 and complying to the following:
- (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 and air duct inlet openings must be installed in the wall opposite to the mechanical ventilator outlet openings, 100 mm above the level of the sill so as to ensure efficient cross-ventilation.
- (11) The owner or person in charge of a storeroom must ensure that -
- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the appropriate classification for equipment, for the particular area in terms of the provisions of SANS 10108;
 - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the storeroom and positioned so as not to pose a risk of ignition of fumes ventilated from the storeroom;
 - (c) all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively;
 - (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
 - (f) whenever any storeroom is not occupied, all electrical apparatus and fittings, excluding the mechanical ventilation system, are switched off.
- (12) All electrical installations must be installed and certified by a suitably qualified electrician which certificate must be readily available on the same premises for inspection by the Chief Fire Officer.
- (13) 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.
- (14) No person may -
- (a) use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of dangerous goods of the type and quantity as indicated on the registration certificate, in the storeroom;
 - (b) work or permit any person to work in any storeroom unless all the doors of the

storeroom are in the full open position and 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.

STORAGE OF DANGEROUS GOODS

- 40. (1) Any storeroom referred to in section 39 of these by-laws may be used for keeping any grouped dangerous good, with the exception of Group I dangerous goods (explosives), as defined in section 2(1) of the Dangerous Goods Act, 1973: Provided that all chemically reactive dangerous goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Chief Fire Officer, 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 42 of these by-laws, any grouped dangerous good contemplated in this section, with the exception of Group I dangerous goods (explosives), may also be warehoused in terms of SANS 10263.

PART VII

SPRAY-PAINTING ACTIVITIES

REGISTRATION OF SPRAY-PAINTING ROOMS

- 41. (1) (a) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III dangerous good or with liquid compounds of a Group III dangerous good, or with any other dangerous good, unless such person is in possession of a spraying permit in accordance with the requirements of this section. Application for a spraying permit can be lodged with the Chief Fire Officer on the forms indicated in Annexure A.
- (b) If circumstances require it, any motor vehicle, article or object, or any parts thereof, may be sprayed in any place other than in an approved spraying room and/or spraying booth by any person who possesses a spraying permit for the premises in question, provided that there is little likelihood of the proposed activities' posing a real danger or causing an emergency situation for any human being, animal or property.

Prohibition of certain actions

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

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 be from the date of issue for a period of twelve months.
- (f) The spraying permit is not transferable from premises to premises.
- (g) In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that -
 - (i) application must be made for transfer to the Chief Fire Officer 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 Chief Fire Officer.
- (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 23 of these by-laws.
- (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
 - (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - (ii) The prescribed fees, determined by Council from time to time must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
 - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from complying with the stipulations of these by-laws or from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he or she is always in possession of a valid spraying permit 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

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

Location of and access to a spraying room

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

Water floors

- (6) (a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
- (b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of 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 type for the particular area in terms of SANS 10108.
- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (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) An accredited person must install and certify all electrical installations: Provided that a copy of 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 or at a flow rate of 0,5m/s;
 - (ii) the vanes of the system must be manufactured from static-free materials;
 - (iii) the fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
 - (iv) all ventilators must be attached firmly to the inside of the walls;
 - (v) the bottom ventilators must be affixed as close as possible to the level of the floor;
 - (vi) all ventilation openings or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said

mechanical ventilation system; and

- (vii) every spray room shall have at least one of its doors fitted with an un-openable strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

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

Positioning of ventilation outlets

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.
- (14) The ventilation system must commence operating automatically 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 SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

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

Unauthorised access

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

Abuse of spraying room

- (18) No person may -
 - (a) use any spraying room or permit any spraying room to be used for any purpose other than for practising or exercising activities related to spray-painting in the spraying room;
 - (b) employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and

- (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

Provision of fire-fighting equipment

- (19) (a) Any spraying room must have one 9kg dry chemical fire extinguisher per every 100m² of floor space or part thereof, on the outside, which extinguisher 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 29(1)(b) of these by-laws.

Drying kiln/heating devices

- (20) Whenever any manifold installation of a Group II dangerous good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, Part I, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.

PART VIII ANIMALS

HANDLING ANIMALS DURING EMERGENCIES

- 47. 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 places of veterinary science study: Provided that the Chief Fire Officer may -
 - (a) authorise a suitably qualified person to handle 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.

PART IX PENALTIES

PENALTIES FOR CONTRAVENTIONS

- 48. Any person who –
 - (a) contravenes or fails to comply with any provision of these by-laws or SANS ;
 - (b) fails to comply with any notice issued or displayed in terms of these By-laws;
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these By-laws;

is guilty of an offence and liable on conviction to a fine to a maximum of R100 000 or in default of payment to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence, to a further fine not exceeding R5000 per day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

PART X GENERAL

PAYMENT FOR SERVICES

- 49. (1) Subject to the provisions of section 50, the owners or occupiers of land or premises, or both such owners and occupiers jointly and severally, or the owner of a vehicle, as the case may be, for or in connection with:
 - (a) the attendance of the Service as requested or for any services rendered; and/or

- (b) the use of manpower, equipment and materials; and/or
- (c) the consumption of materials

shall pay to the Controlling Authority the fixed charges for the attendance of the Service in terms of the prescribed tariffs determined by the Municipality from time to time.

- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent of the aggregate of the charges that would have been payable; provided further that in assessing such charges or portion thereof, due regard, in addition to other factors, be given to:
 - (a) the fact that the amount so assessed shall be commensurate with the service rendered;
 - (b) the manner, place and origin of fire or other emergency situation;
 - (c) the loss that might have been caused by the fire or other emergency situation to the person liable to pay the charges, if the services had not been rendered.

EXEMPTION FROM PAYMENT OF CHARGES:

- 50. (1) Notwithstanding the provisions of Part IX, the Chief Fire Officer may exempt a person from charges payable:

- (a) where a false alarm was given in good faith;
- (b) where the service was rendered as a result of a civil commotion, riot or natural disaster;
- (c) where the service was rendered in the interest of public safety;
- (d) where the Chief Fire Officer is of the opinion that the service was of a purely humane nature and or was rendered solely for the saving of a life;
- (e) by the owner of a vehicle if he or she furnishes proof to the satisfaction of the Chief Fire Officer that such a vehicle was stolen and that it had not been recovered at the time when the service was rendered in respect thereof;
- (f) by any person, including the State, with whom the Municipality has entered into agreement in terms of Section 12 of the Act, whereby the services of the Service is made available to such person against payment as determined in such agreement.

**PART X
GENERAL**

OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS

- 51. 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

- 52. The following by-laws are hereby repealed:
 - (1) The Fire Brigade Service Regulations promulgated under Administrator's Notice No 210 of 1970, as amended, are hereby repealed.
 - (2) The Regulations relating to Petroleum, Flammable Liquid and other Substances promulgated under Administrator's Notice No 222 of 1972, as amended, are hereby repealed.

SHORT TITLE

53. These by-laws are called the Fire & Emergency Services By-laws, 2012.

**PART XI
ANNEXURES**

ANNEXURE A: OFFICIAL DOCUMENTS

A. GENERAL

The Chief Fire Officer 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 Council, but must not detract from the directives and provisions of these by-laws.

B. APPLICATION FORMS

On receipt of an application made in terms of these by-laws and proof of payment of the prescribed fees, determined by Council from time to time, the Chief Fire Officer shall avail to the applicant, the relevant application forms. The following application forms are obtainable from the Municipality's Fire Fighting Services:

| | APPLICATION FORM | SECTION |
|---|----------------------------------------------------------------------------------------------------|----------------|
| 1 | Application for Certificate of Fitness : Public Gathering in Public Building / Temporary structure | 17(1) |
| 2 | Application :Certificate of Registration: Dangerous Goods | 21(1) |
| 3 | Application for approval of plans- alterations to premises | 33(1) |
| 4 | Application: Transport Permit | 38(1) |
| 5 | Application: Spraying Permit | 41(1) |

C. APPROVALS AND CERTIFICATES

- 1.) After evaluation of complete application forms submitted in terms of these by-laws, the Chief Fire Officer, if satisfied that the application in question complies with the requirements of these by-laws, shall grant his or her approval or recommendation for approval in respect thereof. The following certificates and permits may be given :

| | CERTIFICATE / APPROVAL | SECTION |
|---|------------------------------------------------------------------------------------|----------------|
| 1 | Certificate of Fitness : Public Gathering in Public Building / Temporary structure | 17(3) |
| 2 | Certificate of Registration | 21(1) |
| 3 | Approval or recommendation for approval of plans | 33 |
| 4 | Transport Permit | 38(1) |

| | | |
|---|-----------------|-------|
| 5 | Spraying Permit | 41(3) |
|---|-----------------|-------|

- 2.) If the Chief Fire Officer, is not satisfied that the application received complies with these by-laws, or is satisfied that the approval of such an application will probably or in fact be dangerous to life or property, he shall refuse to grant his approval or recommendation for approval in respect thereof and give written reasons for such refusal, if requested thereto by the applicant.

- 3.) Any approval granted by the Chief Fire Officer in accordance with these by-laws in respect of any application referred to in Paragraph B shall lapse after the expiry of a period of 12 months as from the date on which it was granted unless the Chief Fire Officer extended the said period after receiving a written request for such an extension from the applicant concerned.

- (4) An applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated to him by the Chief Fire Officer or a member, 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.

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

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.

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 must be on hand at all telephones on the premises and the bomb threat questionnaire must be on hand at all designated telephones on the premises.

(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 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

Designated staff members must be trained in the following:

- (1) First aid and/or fire fighting
- (2) Emergency aid
- (3) Emergency evacuation procedures
- (4) Emergency management techniques

(Drills of the emergency evacuation plan are an excellent training programme 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 on 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 in question
 - (b) Important features/landmarks with regard to the location of the premises
 - (c) Key information of adjacent premises
- (4) Particulars regarding socio-economic or other threats and the potential impact of these threats on premises
- (5) Particulars of the following equipment available on the premises:
 - (a) Equipment in the control room
 - (b) Fire-fighting and first-aid equipment throughout the premises

- (c) Any other equipment
- (6) The following information on manpower:
 - (a) Emergency management
 - (b) Continuity officers
 - (c) Fire teams
 - (d) First-aid teams
- (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 C
Material Safety Data Sheet Box

1. Material Safety Data Sheet Box

- i. A container no smaller than 300 x 400 mm shall be provided to contain all MSDS's
- ii. Material safety data must be provided for every individual chemical substance when such substance is to be found on the said premises and falls outside exempt quantities as described in SABS 0228,
- iii. Such MSDS shall contain no less information than shown on NOSA Form 2.17.05.01 "Hazardous Substances Record"
- iv. Such container shall be affixed to the outside of the building next to or near the main entrance and shall be placed 1,5 m above ground level,
- v. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer.

ANNEXURE D
Emergency Evacuation Plan Box

1. Emergency Evacuation Plan Box

- i. a container no smaller than 300 x 400 mm shall be provided to contain al EEP's
- ii. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer
- iii. Such container shall be painted day-glow orange and be marked in black capital letters no smaller than 150 x 15 mm and shall read 'EEP'