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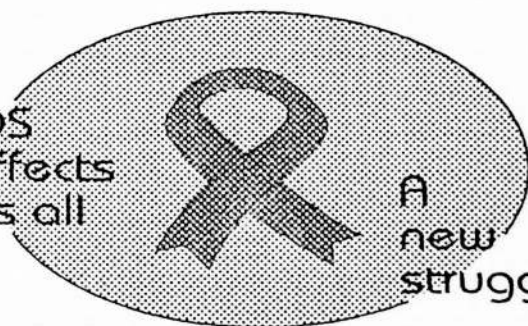
Vol. 12

BISHO/  
KING WILLIAM'S TOWN, 4 FEBRUARY 2005

**No. 1272**  
(Extraordinary)

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPUNE**

**0800 012 322**

DEPARTMENT OF HEALTH



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**LOCAL AUTHORITY NOTICES****No. 10****"A"****MAKANA MUNICIPALITY****RESCISSION OF FIRE BY-LAWS**

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 12 AND 13 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 THAT THE MAKANA MUNICIPAL COUNCIL HAS RESCINDED THE FOLLOWING BY-LAWS.

PROVINCIAL NOTICE NO. AND PROVINCIAL GAZETTE NO.	Title
1126/1975	ENTERTAINMENT PLACES AND SECURING SAFETY OF PUBLIC.
565/1982	STANDARD BY-LAW RELATING TO FIRE SERVICES
471/1966	FLAMMABLE LIQUID BY-LAW
PN 0558/1958	PREVENTION AND EXTINGUISHING OF FIRES
PN 0558/1958	PREVENTION AND EXTINGUISHING OF FIRES

PRAVINE NAIDOO  
MUNICIPAL MANAGER

02180808

**MAKANA MUNICIPALITY**

Notice is hereby given in terms of section 12 and 13 of the Local Government Municipal Systems Act, 2000 that the Makana Municipal Council has passed the following By-Law. The By-law will come into effect on date of publication

**BY-LAW RELATING TO COMMUNITY FIRE SAFETY****INDEX**

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**The Municipality of Makana recognises: -**

- ### ***Purpose and scope of this By-Law***

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

### Application of this By-Law

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**This By-Law is applicable to all persons within the area of jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.**

## **CHAPTER 1**

### **DEFINITIONS**

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

**"Above ground storage tank"** means a tank situated above ground for the storage of a flammable liquid.

**"Automatic releasing hold-open device"** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

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

**"Building"** means: -

- a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with: -
  - i. the accommodation or convenience of human beings or animals;
  - ii. the manufacture, processing, storage or sale of any goods;
  - iii. the rendering of any service;
  - iv. The destruction or treatment of combustible refuse or combustible waste;
  - v. The cultivation or growing of any plant or crop;
- b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- c) any fuel pump or any tank used in connection therewith;

- (d) any part of a building, including a building as defined in paragraph (a),  
(b) or (c);
- e) any facilities or system, or part or portion thereof, within or outside but  
incidental to a building, for the provision of a water supply, drainage,  
sewerage, stormwater disposal, electricity supply or other similar service  
in respect of the building;

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

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

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

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

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

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

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

"**Dangerous goods**" means a flammable gas, liquid or solid as contemplated in SANS  
10228;

"**Division separating element**" means a building element or component, which separates  
one area in a building from another and has a fire resistance of not less than that required by  
the National Building Regulations (T1) read with the SANS 10400:

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

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

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

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

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

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

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

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

**"fire damper"** means an automatic damper and its assembly that complies with the requirements contained in SANS 10193;

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

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

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

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



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

detect, control or extinguish a fire, or

alert occupants or the fire service, or both, to a fire.

but excludes portable and mobile fire extinguishers;

**"fire wall"** means a wall that is able to withstand the effects of fire for a specific period of time

as contemplated in the National Building Regulations (T1) read with SANS 10400:

**"flammable gas"** as contemplated in SANS 10228, means a gas that at 20°C and at a

standard pressure of 101,3 kilopascals:-

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

**"flammable liquid"** means a liquid or mixtures of liquids, or a liquid containing solids in

solution or in suspension that give off a flammable vapour at or below 60.5 °C and also

includes a liquid within the following danger groups as determined in SANS 10228: -

#### DANGER GROUP BASED ON FLAMMABILITY

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point (°C)
i	-	≤ 35 (°C)
li	< 23 (°C)	>35 (°C)
lii	≥23 ≤60.5 (°C)	>35 (°C)
lv	>60.5 – 100(°C)	>35 (°C)

**"flammable solid"** – as contemplated in SANS 10228, means a solid that is easily ignited by

external sources, such as sparks and flames, solids that are readily combustible, solids that

are liable to cause or contribute to a fire through friction or solids that desensitised (wetted)

explosives that can explode if not diluted sufficiently.

**"flammable substance"** means flammable liquid or a flammable gas:

**"flammable store"** means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-Law

**"Hazardous Substance Act"** means the Hazardous Substance Act, 1973 (Act 15 of 1973):

**"Municipality"** means Municipality of Makana.

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

**"Municipal Structures Act"** means the Local Government: Municipal Structure Act, 1998 (Act 11- of 1998):

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

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

National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;

National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;

National Building Regulations (A21) means the provisions regulating the population of a building;

National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building, and

National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

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

**"non-combustible"** means a substance or material classified as non-combustible when tested in accordance with SANS 10177 – Part 5:

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

**"occupancy separating element"** means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400:

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

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

**"owner" means**

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

**"person in charge" means: -**

- a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises:
- b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building.
- c) In relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for management or utilisation of the installation provided that such a person is not the person mentioned in (a), and

- d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c) any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

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

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

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

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

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

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

**"SANS Codes"** means South African National Standard SANS Codes of Practice and Specification issued in terms of the Standard Act;

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

**"site"** means any erf, Lot, Stand or other piece of land on which a building has been, is being or is to be erected;

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

**"State"** means: -



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

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

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

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

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

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

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

**"road tank vehicle"** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;

**"tank-semi-trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;

**"tank trailer"** means a vehicle with a tank mounted on it or built as an integral part of it and so constructed that when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;

**"tank truck"** means a single, self-propelled vehicle with a tank mounted on it;

**"truck-tractor"** means a self-propelled vehicle used to pull a tank-semi-trailer, and

any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-Law;

## CHAPTER 2

### ADMINISTRATIVE PROVISIONS

#### Administration and enforcement

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

#### Delegation

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

#### Enforcement provisions

4. (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-Law.

(2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-Law and which presents an immediate fire hazard or other threatening danger.

(3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also: -

- a) call for the immediate evacuation of the premises;
- b) order the closure of the premises until such time as the violation has been rectified;
- c) order the cessation of any activity, and
- d) order the removal of the immediate threat.

(4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

#### **Authority to investigate**

(5) Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

#### **Failure to comply with provisions**

6.(1) When a controlling authority finds that there is non-compliance with the provisions of this By-Law, excluding the situation in section 4(2), a written notice must be issued and include the following: -

- a) confirmation of the findings;
- b) provisions of this By-Law that are being contravened;
- c) the remedial action required, and
- d) set forth a time for compliance.

(2) An order or notice issued under this By-Law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.

(3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

#### **Denial, suspension or revocation of an approval or a certificate**

- A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-Law: -

- a) failure to meet the provisions of this By-Law for the issuance of the approval or certificate, or
- b) non-compliance with the provisions of the approval or certificate.

#### **Records required**

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

#### **Charges**

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

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

#### **Reporting a fire hazard and other threatening danger**



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

### CHAPTER 3

#### FIRE PROTECTION OF BUILDINGS

##### General

11. The controlling authority in terms of section 4(3) or section 6(1) of this By-Law must abate a contravention of the National Building Regulation relating to fire and safety of buildings.

##### Access for emergency vehicles

12. (1) When in the opinion of the controlling authority, premises are not readily access from public roads it must be provided with emergency vehicle access and notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following: -

- a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.

- b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
  - c) Fire lanes must be provided for all premises, which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
  - d) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
  - e) A cul-de-sac that is more than 90 metres in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle, which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

#### **Division and occupancy separating elements**

13. An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

#### **Fire doors and assemblies**

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

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

actions: -

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

### Escape Routes

15. (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of fire or any other emergency.

(2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.

(3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

### Tents

16. (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must: -

- a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent, and
- b) submit an application in terms of the section 21 of this By-Law to the controlling authority for a temporary population certificate.

(2) The application submitted in terms of subsection (1) (a) must comply with the following: -

- a) The tent must be erected at least 4.5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it..
- b) Where tents are erected adjacent to one another, and unobstructed minimum distance of 4.5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
- c) The requirement set out in the National Building Regulations (T1) must be complied with in the following instance: -
  - i. where the population of a tent exceeds 25 people;
  - ii. Where a tent is occupied through the hours of darkness;
  - iii. For seating arrangements and aisle dimensions, and
  - iv. For the provision of fire extinguishers.
- d) The population density of a tent must comply with the National Building Regulations (A21).
- e) No cooking may be carried out in the tent occupied by the Public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
- f) No open fire is permitted in a tent and any other flame emitting device , such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
- g) No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
- h) Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SANS 1186: Part 1.
- i) Lighting and wiring installed in a tent must comply with the Requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose and ignition hazard.



- (4) Notwithstanding the provisions in subsection (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

#### CHAPTER 4

##### FIRE SAFETY EQUIPMENT

##### Fire extinguishers

- 17.(1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations. **SANS 1475: Part 1. SANS 1571. SANS 1573 and SANS 10105: Part 1.**
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475: Part 1, unless such a person is the holder of a permit issued by the South African National Standard or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

#### **Testing and maintenance of fire protection systems**

18. (1) A fire protection system must be tested and maintained on a regular bases and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, service, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.

(6) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.

(7) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

#### **Interference with and access to fire protection systems and fire extinguishers**

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

#### **Fire alarms and fire hydrants**

20. (1) Without compensation to the owner of the premises concerned, the controlling authority may cause: -

- a) a fire alarm.
- b) A transmission instrument for calls of fire or other emergency, or
- c) A transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall fence, pole or tree.

(2) Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.

(3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.

(4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, decal metal plate or painted marker.

(5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

## CHAPTER 5

### PUBLIC SAFETY

#### Prevention and control of overcrowding

21. (1) Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of this By-Law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (5) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-Law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.



- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority the owner or person in charge of the premises.

#### **Attendance of a service**

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

#### **Formulation of an emergency evacuation plan**

23. (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest, house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff). Must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsection (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.



- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information;
  - a) the date and time of the test;
  - b) the number of participants;
  - c) the outcome of the test and any corrective actions required, and
  - d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

#### **Displaying of escape route plans**

- 24. (1) In a hospital, residential institution, hotel, guesthouse, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

#### **Barricading of vacant buildings**

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse there from and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

## CHAPTER 6

### HOUSEKEEPING

#### Combustible waste and refuse

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

#### Dust

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

#### Combustible or flammable substances and sweeping compounds

28. (1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purpose.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substance spilled or dropped in the course of a process is prohibited.

**Accumulations in chimneys, flues and ducts**

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

**Sources of Ignition**

30. (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situation where such use or operation would present a fire hazard or other threatening danger.

**Smoking**

31. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and **"No Smoking"** signs must be displayed as directed by the controlling authority and the signs must comply with SANS 1186: Part1.
- (2) A person may not remove a **"No Smoking"** sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

(4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

(5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

#### **Electrical fittings, equipment and appliances**

32. (1) A person may not cause or permit an electrical supply outlet to be over-loaded.

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

#### **Flame-emitting device**

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

### **CHAPTER 7**

#### **FIRE HAZARDS**

##### **Combustible material**

34. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in position or in a manner likely to cause or create a fire hazard or other threatening danger.

(2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

**Lighting of fires and burning of combustible material**

35. (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the controlling authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3

**CHAPTER 8****FLAMMABLE SUBSTANCES****Application of this Chapter**

36. Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

**Storage and use of a flammable substance**

37. (1) Prior to the construction of a new installation or the alteration of an existing installation whether temporary or permanent, for the storage of a flammable



substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.

- (2) Prior to the commissioning of an aboveground or underground storage tank installation liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T) SANS 10131: Parts 1 and 2. SANS 10089: Part 3 and SANS 10087: Parts 1.3 and 7 (whichever is applicable) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may  
Require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework to be pressure-tested in accordance with the provisions of the National Building Regulations (T).
- (4) the controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use: -
  - a. a flammable gas in excess of 19 kilogram, or
  - b. a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres.

Unless he has obtained a flammable substance certificate from the controlling authority.

#### **Flammable substance certificate**

38. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 37(6), must submit an application to the controlling authority as prescribed in the Schedule 2 of this By-Law.

- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-Law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 37(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 37(5) applies.
- (5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-Law.
- (6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (8) A flammable substance certificate is valid only: -
  - a) for the installation for which it was issued.
  - b) For the state of the premises at the time of issue, and
  - c) For the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all time.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

**Permanent or temporary above ground storage tank for a flammable liquid**

39. (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with: -
- a) if it has a capacity not exceeding 9000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
  - b) to be on the premises for a period not exceeding six months;
  - c) the entire installation must comply with SANS 10131: Part 1 or SABS 10131: Part 2 whichever is applicable, and
  - d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding section 37(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3.5 metres from boundaries building and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank

- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS10232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SANS 10108 and SANS 10089: Part 2.

#### **Underground storage tank for a flammable liquid**

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SANS 10400 SANS 10089: Part 3 and SANS 10131: Part 3

#### **Bulk storage depot for flammable substances**

41. The handling storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10089: Part 1.

#### **Small installations for liquefied petroleum gas**

42. Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.



**Liquid petroleum gas installation in mobile units and small non-permanent buildings**

43. A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 10087: Part 2.

**The fuelling of forklift trucks and other LP gas operated Vehicles**

44. The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SANS 10087: Part 8

**The storage and fillings of refillable liquid petroleum gas containers**

45. Storage and fillings sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 7.

**Bulk storage vessel for liquid petroleum gas**

46. The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

**Termination of the storage and use of flammable substances**

47.(1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must: -

- a) within seven days of the cessation, notify the controlling authority in writing thereof;
- b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
- c) within six months of the cessation, remove the installation including



any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and

- d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

#### **Reporting accidents**

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

#### **Flammable stores**

- 49. (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400: -
  - a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;

- b) the ventilation of a flammable store must be achieved by the use of air bricks nominally above the sill level and one air brick located in the top third of the wall per 5m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store.
  - c) The air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1100 meshes per metre, and
  - d) The wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements: -
- a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
  - b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the great.
  - c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
  - d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distance are complied with, and the door must open outwards.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduct and the switches operating the lights must be located outside the store.

- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words, **Flammable Store – Bewaarplek vir Vlambare Vloeistowwe – Isitoro Indawo Yokugcina Izixhobo Ezithathu Lula Umlilo**", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure: -
- a) within seven days of the cessation, notify the controlling authority in writing thereof;
  - b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
  - c) within 30 days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

#### **Container handling and storage**

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

- level base;
- (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials.
  - (e) When the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
  - (f) Open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SANS 1186: Part 1, and
  - (g) Fire-fighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

#### **Spray rooms and booths**

##### **Construction of spray room**

51. (1) Subject to the provisions of subsection (4), every spray room shall be constructed in accordance with the following requirements: -

- a) The walls shall be constructed of brick or concrete of a minimum thickness of 100 mm or any other material which, in the opinion of the controlling authority, is suitable for the purpose, the floor shall be constructed of concrete or other impervious material to the satisfaction of the controlling authority and the roof shall be constructed of reinforced concrete.
- b) The room shall be fitted with hard-wood doors of a thickness of not less than 50 mm and completely covered with metal of not less than 0,56 mm in thickness or with close fitting metal doors of not less than 3 mm in thickness, carried on an anglo-iron frame and having an all-round overlap of not less than 50 mm. Such doors shall open outwards and shall be kept locked after normal working hours. The type of door required to be fitted shall be at the discretion of the controlling authority.



- c) All window frames shall be constructed of metal, glazed with wire woven glass and shall be of the non-opening type. Each single pane shall not exceed 450 mm x 450 mm.
- d) Every spray room shall be ventilated with a mechanical system of exhaust and inlet ventilation capable of providing an air velocity of a minimum of 0.5 m per second through any cross-section of the room so as adequately to remove flammable vapour from the room and change the air therein. The centre line of the inlets to such system shall be at least 450 mm above the level of the floor. The said system shall operate at all times during working hours including any intervals for lunch or tea and shall operate for not less than five minutes after each working period.
- e) Every spray room with a floor area in excess of 20 m<sup>2</sup> shall be provided with at least two doors, constructed as prescribed in paragraph (b), situated at such distance from each other as to allow the free and unimpeded escape of person within the spray room from either door in the case of fire or other danger.
- f) Where a spray room is subdivided into spray booths as prescribed in paragraph (g), each such booth shall be ventilated in accordance with the provisions of paragraph (d).
- g) Where part or the whole of any spray room is subdivided by partitions into separate compartments of booths (herein after described as spray booths) such spray booth shall be constructed of metal or other non-combustible material.
- h) All exhaust vents shall be constructed of non-combustible material and so designed and constructed that all vapours are expelled from the interior of the building into the open air at a point not less than 1 m above the apex of the roof of the building: provided that the Chief Fire Officer may permit such vapours to be expelled into the open air at a lesser distance than 1 m above the apex of the roof if, in his opinion, the vapour is not likely to be ignited. In the event of the exhaust vents being external to the spray room and in communication with any other internal portion of the building, such vents shall be protected by either 100 mm brickwork or 50 mm asbestos cement lagging. There shall be no right angle bends in the vents.

- i) The ventilation inlets shall be of 215 mm x 140 mm terracotta airbricks and honeycombed into the wall opposite the exhaust ventilation system at 215 mm centres, from floor level to a height of not less than 2.5 m. Such inlets shall be substantially equivalent to the exhaust capacity provided in terms of this by-law.
  - j) The blades of any fan used in the spray room shall be of non-ferrous metal.
- (2) No electrical equipment shall be installed in the spray room other than-
- a) electric lights enclosed in outer flame-proof fittings;
  - b) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together or cables of the armoured type approved by the Chief Fire Officer, and
  - c) electrical apparatus of flame-proof construction used for ventilating purposes.
- (3) (a) The spray rooms, fans and vents shall be kept clean and free from flammable deposits and all fans and vents shall be kept in proper working order at all times, any scraping necessary to comply with the provisions of this subsection being carried out with non-ferrous instruments.
- (b) All drums, cans or similar vessels containing flammable liquids or substances or which have contained the same and have not been degassed or otherwise rendered harmless, shall be kept securely closed when not in use and shall, after the contents have been used, be removed from the spray room and stored in such a place that, in the opinion of the Chief Fire Officer, they are not likely to cause danger or obstructions or obstruct or impede the escape to safety of persons or animals in the event of fire.
- (4) The controlling authority may in its discretion permit any reasonable deviation from the provisions of this section, which he is satisfied, will not create or increase the danger of fire or the danger to person, animals or other property arising in the event of fire.
- (5) The words "Danger" – "no smoking" in both official languages shall be prominently displayed in letters not less than 150 mm high outside the entrance to every spray room, and shall at all times be maintained in such position and in a clearly legible condition.

- (6) Nothing contained in subsections (1) to (5) inclusive shall prohibit the spraying with flammable liquid of any vehicle or article in the open air if such spraying is not within a distance of 15 m from any fire, flame, open light or other agency likely to ignite such flammable liquid or its vapour and in the opinion of the controlling authority, such spraying is not likely in the event of fire to impede the escape of persons or animal, or to endanger any room or building.

#### **Liquid petroleum gas containers**

52. (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087:Part 1 and SANS 10019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as prevent damage or leakage of liquid or vapour therefrom.
- A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SANS 10087: Part 7

### **CHAPTER 9**

#### **TRANSPORTATION OF DANGEROUS GOODS**

##### **Dangerous goods certificate**

53. (1) The operator of a vehicle designed for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- (2) An operator of a vehicle mentioned in subsection (1), must submit an Application to the controlling authority as prescribed in Schedule 2 of this By-law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087:Part 4. SANS 10089: Part 1.SANS 10230. SANS 1398.SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a

vehicle can be remedied, he must instruct an operator of a vehicle in accordance with subsection (1) as well as the dangerous goods certificate.

- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of sections 7 of this By-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).
- (9) A dangerous goods certificate is valid only: -
  - a) for the vehicle for which it was issued;
  - b) for the state of the vehicle at the time of issue, and
  - c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.
- (11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

## CHAPTER 10

### GENERAL PROVISIONS

#### State Bound

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

#### Offences and penalties

55. (1) Any person who: -

- a) contravenes any of the provisions of this By-law or fails to comply therewith, or
- b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith.

Is guilty of an offence and liable to a maximum fine or imprisonment as Prescribed in the Fire Brigade Services Act.

- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

#### **Repeal of laws and savings**

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

#### **Short title and commencement**

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



**SCHEDULE 1****Repeal of laws and savings****With regard to the Grahamstown Municipality: -**

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
1126/1975	Entertainment places and securing Safety of public.	The whole
Council resolution 27 February 1976	Fire Brigade Charges	The whole
565/1982	Standard By-Law Relating to Fire Services	The Whole
471/1966	Flammable Liquid By-law	The whole
Council resolution 23 February 1772	Fire Brigade Staff Leave and working conditions	The Whole

**With regard to the Alicedale Municipality**

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 0558/1958	Prevention and extinguishing of fires	The whole

**With regard to the Riebeeck East Municipality**

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
No By-laws relating to fire services in Riebeeck East	N/A	N/A

**SCHEDULE 2****FORMS**

Population Certificate Application

Population Certificate

Flammable Substance Certificate Application

Flammable Substance Certificate

Dangerous Goods Certificate Application

Dangerous Goods Certificate

Control Burning

**Population Certificate Application**

<b>For official use only</b> Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____		<b>MUNICIPALITY OF MAKANA</b>	
<b>Population Certificate Application</b> Application for a Population Certificate is made in terms of Section 21 (1) of the Community Fire Safety By-law			
Name of applicant:		Telephone No.	
		Cell No.	
Name of business		Telephone No.	
		Cell No.	
Type of business e.g. bar, nightclub etc			
Erf No.			
On what floor of the building is the venue situated i.e. ground, 1 <sup>st</sup> etc?			
Street address			
Suburb		(Code)	
<b>Details of Premises</b>			
How many floors does the Building have?		How many floors are occupied by the venue for which this application is being made?	
Square metres of usable area per floor of venue		Expected Population	
Indicate a separates square meterage for each floor occupied			
By the venue in the blocks below			

								Number of exits per floor Indicate exits per floor separately in the blocks below			
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
<p>The Controlling authority may refuse to issue certificate applied for if the premises do not comply with the requirements of the National Building Regulations.</p> <p>The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.</p> <p>The certificate is valid only for the premises for which it is issued and is not transferable.</p> <p>If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate</p>											
Signature of applicant											
Print Name											
Date											
Address											
For Controlling Authority: (Signature)											
Print Name											
Date											
A certificate fee of R_____ is payable to <b>THE MUNICIPALITY OF MAKANA</b> in respect of this application and the subsequent inspection											

**Certificate Application**

<b>For official use only</b> Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____								<b>MUNICIPALITY OF MAKANA</b>			
<b>Population Certificate</b>											
This population certificate is issued in terms of Section 21 of the Community Fire Safety By-law.											
Name of certificated owner								Telephone No.			
								Cell No.			
Name of certificated business								Telephone No.			
								Cell No.			
Occupancy											
Erf No.											
The venue is situated on the								Floor of the premises (ground, 1 <sup>st</sup> , 2 <sup>nd</sup> etc)			
Street address											
Suburb								(Code) _____			
<b>Details of Premises</b>											
Number of floors in the building								Number of floors occupied by the venue			
Square metres of usable area per floor of the venue								Approved Population			
<b>Number of exits per floor</b>											
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
<b>Maximum population per floor</b>											
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )





Signature of applicant:	
Address:	
Telephone No:	
For controlling authority: (signature)	
Print name:	
A certificate fee of R _____ is payable to THE MUNICIPALITY OF MAKANA in respect of this application and the	
Subsequent inspection	
Controlling Authority: _____	Date: _____
Name of receiving official _____	Designation: _____

[illegible]



Date of Expiry: \_\_\_\_\_

For controlling Authority (signature) \_\_\_\_\_ Date: \_\_\_\_\_

Name of issuing official (Print Name) \_\_\_\_\_ Designation: \_\_\_\_\_

00008:10:1





Engine No. (if applicable)	
Chassis No.	
Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	
Remarks	
Operator (signature)	
Address	Print name:
Telephone No.	Fax No.
For controlling authority (signature)	
<b><u>For official use only</u></b>	
A certificate fee is payable to THE MUNICIPALITY OF MAKANA in respect of this application and the Subsequent inspection.	
Signature of receiving official	Date:
Name of receiving official:	Designation:

**Dangerous Goods Certificate**

For official use only		<b>MUNICIPALITY OF MAKANA</b>	
Application No. File No.			
<b>Dangerous Goods Certificate in respect of flammable materials.</b>			
Dangerous goods certificate issued in terms of The National Road Traffic Act (no. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below has been examined and found to comply with the relevant sections of S.A.N.S 10230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
<b>Details of operator</b>			
Name of operator			
Trading as			
Street address			
Suburb		Code	
City			
<b>Details of vehicle</b>			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (l)			
Flammable			



Details of vehicle for which a certificate of registration is required	
Type or class of vehicle	
Vehicle Registration No.	
Dangerous Goods Registration number	
Tare	
Load	
Make	
Number of tanks	
Capacity of tanks	
Year of manufacture of tank	
Engine No. (if applicable)	
Chassis No.	
Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	
Remarks	
Operator (signature)	
Address	Print name:
Telephone No.	Fax No.
For controlling authority (signature)	
<b>For official use only</b>	
A certificate fee is payable to The MUNICIPALITY OF MAKANA in respect of this application and the Subsequent inspection.	
Signature of receiving official	Date:
Name of receiving official:	Designation:

**MAKANA MUNICIPALITY  
DEPARTMENT OF FIRE & RESCUE SERVICES**

**PERMIT TO CONTROL BURN**

PERMISSION IS HEREBY GRANTED TO: \_\_\_\_\_

FROM \_\_\_\_\_

To burn vegetation on premises known as: \_\_\_\_\_

Situated at: \_\_\_\_\_

For a period of \_\_\_\_\_ days from \_\_\_\_\_ to \_\_\_\_\_ -

This permission is granted provided that all the conditions as set out hereunder are complied with.

The duty officer at the Fire Station, Knight Street

Tel No.: 046 – 603 6000 / 1

to be informed according to Item 5 as contained in the conditions hereunder.

DATE \_\_\_\_\_

.....  
SIGNATURE OF AUTHORIZING OFFICER

CONDITIONS

Makana Fire Services community  
& Safety By-law

1. Burning to be conducted under the supervision of a responsible adult at all times.
2. No burning to be conducted during windy conditions.
3. No burning to be conducted within 15 metre of fixed property or combustible materials.
4. No burning to be conducted within 100 meters of flammable materials including flammable liquids and flammable gases.
5. The Fire Station in the immediate area of burning to be notified prior to commencement of burning and immediately after burning has ceased on each occasion.
6. Burning to be adequately controlled at all times: -
  - (a) Burn only a small are at a time (Stockpile maximum 6m – length, 2m – width and 2m – height)
  - (b) Ensure that sufficient labour is available on site to control fire spread.
7. Burning to be considered between the hours of sunrise and sunset only. Fires to be properly extinguished at night
8. Permit to be held on site of controlled burning.
9. In the event of the Fire Department being required to extinguish the fire for any reason, the permit holder will be liable for all Fire Brigade charges.
10. This permit does not release the applicant from any legal obligations.
11. The City Council cannot be held liable or responsible for anything resulting from the granting of this permit.

### SCHEDULE 3

#### Applicable legislation

With reference to section 35(4): -

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

**SCHEDULE 4****SANS codes of Practice and Specification**

SANS Code	Title
SANS 10019	Portable metal containers for compressed gas basic design, manufacture, use and maintenance.
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installation, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500/ and a combined water capacity not exceeding 3000/ per installation.
SANS 10087:Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations

	involving storage vessels of individual water capacity exceeding 5000/.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installation, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087:Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10089:Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SANS 10105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers
SANS 10108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 10131:Part 2	The handling and storage of liquid fuel, Part2: Large consumer premises.
SANS 10142	The wiring of premises
SANS 10177:Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials
SANS 10193	Fire dampers.
SANS 10228	The identification and classification of dangerous substances and goods.
SANS 10230	Transportation of dangerous goods – Inspection

	Requirements for road vehicles
SANS 10232:Part 1	Transportation of dangerous goods, emergency information system, Part 1: Emergency information system for road transportation.
SANS 10400	The application of the National Building Regulations.
SANS 1186: part 1	Symbolic safety signs, Part 1: Standard signs and general requirements

SANS Code	Title
SANS 1253	Fire doors and fire shutters.
SANS 1398	Road tank vehicles for flammable liquids.
SANS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.



No. 11

**B**  
**MAKANA MUNICIPALITY**

**RESCISSION OF LIBRARY BY-LAW**

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 12 AND 13 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 THAT THE MAKANA MUNICIPAL COUNCIL HAS RESCINDED THE LIBRARY BY-LAW PROMULGATED UNDER PROVINCIAL NOTICE P/N 550/1991 DATED 26 JULY 1991.

PRAVINE NAIDOO  
MUNICIPAL MANAGER

061188888

## MAKANA MUNICIPALITY

Notice is hereby given in terms of section 12 and 13 of the Local Government Municipal Systems Act, 2000 that the Makana Municipal Council has passed the following By-Law. The By-law will come into effect on date of publication

## LIBRARY BY-LAW

## Definitions

1. In this by-law, unless inconsistent with the context –

"borrower" means any person registered by a local authority as a borrower;

"local authority area" means the area under the jurisdiction and control of a municipality which is a library authority.

## Use of the library

2. Any person admitted to the library by the library authority may use the library facilities free of charge during official hours of opening. However, if a person wants to borrow library material, he shall first register as a member of the library.

## Registration

3. (1) Any person residing permanently or being the owner of immovable property in the local authority area concerned shall be registered as a borrower at the library concerned if he applies for such registration on the form supplied by the local authority and the local authority concerned grants such application: provided that any application by a child shall be countersigned by his parent or guardian who, by such countersignature, shall for all purposes be deemed to have undertaken to accept liability in respect of any library material borrowed by such child.

(2) A person residing for a period shorter than three months in the area of jurisdiction of the local authority concerned may be registered as a visitor if –

(a) he applies for such registration on the prescribed form supplied by the local authority

(b) he deposits with the librarian such deposit as may be determined by the local authority concerned from time to time, and

(c) the local authority concerned approves such application.

(3) The deposit contemplated by subsection (2) (b) shall be refunded on application of any borrower: provided that if the borrower does not renew his cards contemplated by section 4 (1) within a period of three years after the expiry of the period of validity, such deposit shall be forfeited to the local authority concerned: provided further that upon any such refunding or forfeiting, the registration of the borrower concerned shall be cancelled.

(4) A person residing outside the area of jurisdiction of the local authority concerned who wishes to use the library on a regular basis may register as a borrower at the library concerned if –

- (a) he applies for such registration on the form supplied by the local authority;
- (b) the local authority approves such application.

#### Borrower's cards

4. (1) (a) The librarian shall issue a borrower with cards authorizing the loan of the number of books which such borrower may be permitted to borrow in terms of this by-law and may, at the request of such borrower, issue him with further cards authorizing the loan of such number of videos, compact discs, art prints, cassettes, or any other library material which such borrower may be permitted to borrow in terms of this by-law.

(b) Any card contemplated by subsection (1) (a) shall be issued for a period of validity not exceeding three years as stipulated by the librarian subject to the provisions of this by-law: provided that such card, after the expiry of such period of validity, except in cases as contemplated by the second proviso of section (3) (3), may be renewed without any further registration and without the number of renewals being limited.

(2) (a) Should a borrower report that he has lost a card, a duplicate card shall, on payment of a fee as determined by the local authority from time to time, be issued to such borrower by the librarian; provided that no borrower shall be exempt from liability in terms of this by-law arising from the loan of library material on the authority of the lost card before such loss has been reported to the librarian.

(b) Should the lost card subsequently be found, any duplicate card issued in the place thereof shall be returned to the librarian, and in such event the fee for such duplicate card shall not be refunded to the borrower.

(3) Should a borrower wish to terminate his registration as a borrower or no longer qualifies in terms of this by-law for registration as a borrower, he shall return for cancellation all cards in his possession to the librarian of the library where he is so registered.

#### Change of address

5. A borrower shall notify the librarian of the library where he is a borrower of any change of address within seven days of such a change occurring.

#### Loan and return of library material

6. (1) No library material shall be lent to any person unless such loan has been registered by the librarian against cards authorizing such loan to the person concerned.

(2) Subject to the provisions of subsection (4) and any conditions stipulated by the local authority concerned and upon payment of any fines or compensation for which such borrower is liable in terms of this by-law, a borrower may, unless the library

material concerned has already been requested by another borrower or library, borrow not more than the following at any one time:

- (a) Five books or periodicals
- (b) Two art prints
- (c) One video tape
- (d) One cassette

provided that no borrower who is a child may, subject to the provisions of section (8), borrow library material other than books not exceeding three in number at any one time.

(3) (a) Books, periodicals, cassettes or compact discs shall be loaned for fourteen days or such shorter or longer period as the librarian may determine, as the case may be, but for a period not exceeding two months, and art prints shall be loaned for a period not exceeding three months.

(b) Videos shall be loaned on the conditions as determined by the librarian; and shall be for home use only. Videos may not be shown in public and no charge may be levied for showing videos.

(c) Library material not contemplated by subsection (2) shall be loaned in such amounts and for such periods as the local authority concerned may determine from time to time.

(d) If no other borrower or library has requested the library material concerned, a borrower may, subject to this by-law and on payment of any fine payable by him, obtain an extension of any such period from the librarian.

#### Overdue library material

7. (1) A fine for the retention of library material in excess of the period as provided in this by-law shall be levied in respect of –

- (a) library material other than videos, at a rate as determined by the local authority from time to time per week or part of a week in excess of such period, or
- (b) videos at a daily rate as determined by the local authority from time to time.

(2) The librarian may exempt any person from the payment of such fine if he is satisfied that the failure to return library material is due to circumstances beyond the borrower's control.

#### Childrens' section

8. A borrower under the age of 13 years shall not borrow or remove material from that part of the library set aside for adults without permission of the librarian.

#### Reservation of library material



9. A borrower may reserve not more than the number of items of library material which, in accordance with the stipulation of the librarian, is available for loan to borrowers. A reservation fee as fixed by the local authority from time to time may be levied in respect of each item so reserved.

#### Lost and damaged library material

(10) (1) A borrower shall accurately establish that library material borrowed by him is in an undamaged condition before its removal from the library and any damage which is observed shall be reported to the librarian before the material is so removed.

(2) A borrower or the parent or guardian of a child who is a borrower shall be responsible for the loss or damage, other than by fair wear and tear, whether such loss or damage is occasioned by his own negligence or otherwise, to any library material lent to such borrower, and shall make good such loss or damage by paying such compensation in respect thereof as may be determined by the librarian.

(3) Any library material bearing the ownership mark or stamp of any library and not officially marked as withdrawn, discarded or sold shall at all times remain the property of such library.

(4) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issue or after granting any extension of the loan period shall for all purposes be deemed to be lost; provided that art prints shall not be deemed to be lost until a period of six months from such date has expired.

#### Library material for special purposes

11. Library material of a specialized nature shall only be used in such parts of the library building as are set aside by the local authority for special purposes, and shall not be removed from the library building or to any other part of the building without the permission of the librarian.

#### Library hall

12. Approval for the use of the library hall shall vest in the local authority, which local authority shall give preference to activities organised and / or presented by the librarian. Users of the library hall other than municipal departments shall pay for the use of the hall at rates determined by the local authority from time to time.

#### Library hours

13. A notice by the local authority, setting forth the days and hours during which the library shall be open, shall be displayed in a prominent place at or near the entrance thereto.

#### Recovery of service costs



14. Any special expenditure incurred by the local authority in respect of postage, telephone calls, photocopies or other services in connection with the loan of library material to any borrower may be recovered from such borrower.

#### Handling of library material

15. No person having an item of library material in his possession shall either wilfully or negligently –

- (a) fail to keep such material in a clean condition;
- (b) expose or permit such material to be exposed to damage by water, heat, fire, animals or any other thing;
- (c) mutilate, deface, mark or in any way damage such material or permit such material to be mutilated, defaced, marked or damaged, or
- (d) remove or damage or permit to be removed or damaged any protective coverings of such material.

#### Offences

16. No person shall –

- (1) conduct or participate in a disturbing conversation, read aloud, sing or whistle in the library building in a manner which is disturbing to other persons present in the library building;
- (2) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (3) refuse to deliver any library material or equipment to any other person within a reasonable time of being requested to do so by the librarian;
- (4) while using the library, refuse to comply with any lawful request of the librarian;
- (5) allow any child under his supervision to create a disturbance in the library;
- (6) (a) act in an uncouth or a disorderly fashion;  
(b) use unseemly, abusive or blasphemous language; or  
(c) lay bets or gamble in any part of the library;
- (7) recline, sleep or partake of refreshments in the library;

(8) cause or permit any animal under his supervision to enter or remain in the library building;

(9) bring any vehicle, carrier or container into the library building without the permission of the librarian;

(10) distribute, or deposit in the library for distribution, material for advertisement, publicity, or any other purpose without the permission of the librarian;

(11) damage or deface any part of the library building, or any furniture, fitting, equipment or contents thereof;

(12) supply a false name or address for the purpose of entering any part of the library or to benefit from any service rendered by the library;

(13) enter or remain in any part of the library if he is –

(a) unclean in body or dress;

(b) suffering from a contagious or infectious disease notifiable in terms of any law;

(c) under the influence of intoxicating liquor or drugs;

(14) enter or remain in any part of the library during the hours that such library or part thereof is not officially open for service to the public;

(15) enter or leave the library building by any entrance or exit not officially provided for use of the public;

(16) enter or remain in any part of the library building which is reserved for the use of the library staff;

(17) obstruct or block any entrance to or exit from the library building;

(18) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of this by-law;

(19) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material;

(20) smoke in the library or the library hall.

#### Penalties

17. (1) Any librarian, security officer, or member of the police force who is called upon or requested thereto by the librarian may order out or remove any person who is guilty of misbehaviour in any library, or any person not *bona fide* using the library for the purposes it is intended for;

(2) Any person contravening any of the provisions of this by-law shall be guilty of an offence and shall on conviction be liable to a fine.