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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 114

#### UKHAHLAMBA DISTRICT MUNICIPALITY PASSENGER TRANSPORT BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Ukhahlamba District Municipality, enacts as follows:-

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##### 1. Definitions

For the purpose of these By-laws any word or expression to which a meaning has been assigned in the Act or the Consolidated Road Traffic Regulations promulgated under the Act, has that meaning and, unless the context indicates otherwise –

“Act” means the National Road Traffic Act, 1996 (Act No.93 of 1996);

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driver’s licences, traffic warden or a traffic officer, and includes any other person whom the Minister by regulation has declared to be an authorised officer;

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act, to carry more than 35 seated persons, excluding the driver;

“bus facility” means a stand or demarcated stopping place where passengers may get on or get off a bus for which a permit has been issued;

“bus train” means a bus which –

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;

- (c) is designed or adapted solely or principally for the conveyance of the driver and  
at least 100 other persons; and
- (d) has a continuous passageway over its length;
- “**by-law**” means a by-law promulgated in terms of section 80A of the Act read together with sections 12 and 13 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000);
- “**Chief Traffic Officer**” means the municipality’s Chief Traffic Officer to whom any function, power or duty has been delegated in terms of section 58(3) of the Local Government (Administration and Elections) Ordinance, 1960, and includes any other officer under his or her control as contemplated in section 58(4) of that Ordinance;
- “**Council**” means the Ukhahlamba District municipal council;
- “**decal**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;
- “**demarcated stand**” means the stand for a bus as contemplated in section 41;
- “**demarcated stop**” means the stopping place for a bus as contemplated in section 41;
- “**driver**” means a person who drives or attempts to drive a vehicle or who rides or attempts to ride a pedal cycle or who leads a draught, pack or saddle animal or herd or flack of animals, and “**drive**” or any like word has a corresponding meaning;
- “**examiner of vehicles**” means an examiner of vehicles registered and appointed in terms of Chapter 11 of the Act;
- “**facility**” means a taxi facility as contemplated in section 14;
- “**fees**” means the permit fees contemplated in Schedule 1 of Annexure B;
- “**holding area**”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for its is available at a rank or stopping place;
- “**liaison committee**” means a committee established by the Council, which committee consists of officials, representatives of the taxi industry and other persons;
- “**marshal**” means a person who arranges passenger and vehicle-related procedures at taxi facilities;
- “**metered taxi**” means a motor car designed for conveying not more than five people, including the driver, and which must be fitted with a taximeter as contemplated in Chapter 4;
- “**midi-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act, to carry from 19 to 35 seated persons, excluding the driver;
- “**mini-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act, to carry from nine to 18 seated persons, excluding the driver;
- “**Minister**” means the Minister of Transport;
- “**motor car**” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle as defined in the Act, designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;
- “**motor vehicle**” means a motor vehicle as defined in the Act;

"**municipality**" means the Ukhahlamba District Municipality and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these By-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**operate**", in relation to a vehicle, means to use or drive a vehicle or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

"**operator**" means a public transport operator as defined in Act, being a person carrying on the business of a public passenger road transport service;

"**park**" means to keep a motor vehicle, whether occupied or not, stationary for longer than is reasonably necessary to actually load or unload people or goods, but does not include keeping a vehicle stationary owing to a cause beyond the control of the person in charge of the vehicle;

"**passenger-carrying motor vehicle**" means a taxi or a bus used or designed to convey passengers for reward;

"**permit**" means a permit contemplated in section 2;

"**permit holder**" means the holder of a permit contemplated in Par II or VI;

"**Province**" means the Province of Limpopo contemplated in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996);

"**regulation**" means a regulation under the Act;

"**route**" means the route or part of the route specified in the licence issued for a bus or taxi in terms of section ... of the .....Public Passenger Road Transport Act,200..(Act No. ...of 200..);

"**special parking place**" means a rank or stand established by the Municipality on a public road within the Municipality for the parking or standing of passenger-carrying motor vehicles;

"**stand**", in relation to a bus, means the place where a bus route starts or ends;

"**stop**", in relation to a taxi or bus stopping on a public road, means to keep a taxi or bus, whether occupied or not, stationary for a period of time not longer than is reasonable necessary to actually load or unload people or goods, but does not include stopping owing to a cause beyond the control of the driver of the taxi or bus;

"**stopping place**", in relation to -

(a) a taxi, means the place designated by the Municipality where a taxi may stop to

pick up or drop off passengers; and

(b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

"**taxi**" means a motor vehicle which plies for hire, is operated for reward, and includes -

(a) a mini-bus, a midi-bus, motor tricycle or motor quadrocycle; and

(b) a metered taxi;

"**taxi association**" means a taxi association recognised by the Municipality in terms of guidelines prescribed by the Province for registering taxi associations;

"**taxi facility**" means a holding area, a special parking place or a stopping place for taxis for which a permit has been issued as contemplated in section 3;

“**taxi rank**” means a place on a public road where a taxi may stand to ply for hire or to pick up and convey people for reward;

“**temporary taxi facility**” means a taxi facility contemplated in section 15(2);

## CHAPTER 1: SPECIAL PARKING PLACES FOR TAXIS; PERMITS AND DECALS

### 2. Establishment of, and permits for, special parking places for taxis

(1) The Municipality may establish special parking places in the municipality for use by or the parking of a taxi belonging to a person to whom a permit to use the parking place or park a taxi has been issued by the Municipality as provided for in section 4.

(2) A permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a permit holder or for a taxi to which the permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place as contemplated in section 18 until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a permit, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a taxi at a holding area other than the one contemplated in subsection (3) commits an offence.

### 3. Application for taxi permit

(1) An application for the granting of a permit referred to in section 2 must be lodged with the Municipality on the particular form obtainable from the Municipality and must be accompanied by the fee, determined by the Municipality

(2) The applicant must answer all questions in the application form and in all other respects fully comply with all the requirements of the form.

(3) A person who knowingly supplies incorrect information in the form contemplated in subsection (2) commits an offence.

### 4. Issuing of taxi permit

(1) Where an application for a permit is granted, the permit must, subject to subsections (2) and (3), be issued in a form determined by the Municipality provided that the appropriate fee set out in Schedule 7 of Annexure B has been paid.

(2) The Municipality shall not issue a permit until the applicant provides the Municipality with –

(a) a roadworthy certificate for the motor vehicle concerned as required by

Regulation 142 of the Consolidated Road Traffic Regulations;

(b) proof of registration and licensing of the motor vehicle concerned as

- prescribed under section 13(2A)(c) of the Act;
- (c) a valid operating licence issued in terms of section ... The ... Public Passenger Road Transport Act, 2001.. or a public road carrier permit issued under previous legislation (the Road Transportation Act, 1977), authorising the proposed road transportation; and
- (d) where applicable, proof that a taximeter has been fitted to the motor vehicle concerned as contemplated in sections 25 and 28.
- (3) The Municipality is not obliged to issue a permit, even if the applicant has a valid operating licence or public road carrier permit.

#### 5. Renewing of taxi permit

- (1) A permit is valid for one year from the date of issue and must be renewed annually.
- (2) An application for the renewal of a permit must be made before the permit expires.
- (3) After an applicant applying to renew a permit has submitted a duly completed application form to the Municipality, together with the documents referred to in section 4(2) in respect of the motor vehicle, the permit shall be renewed on payment of the appropriate fee set out in Schedule 1 of Annexure B and subject to the good conduct of the applicant.
- (4) A person who knowingly supplies incorrect information in the form contemplated in subsection (3) commits an offence.

#### 6. Temporary substitution of taxi permit

- (1) Subject to subsection (2), a taxi permit issued in terms of section 4 for a motor vehicle does not authorise the permit holder to park any other motor vehicle as a taxi under that permit.
- (2) If the taxi to which a permit relates has become defective or has been temporarily withdrawn from service owing to an accident, the permit holder may substitute any other vehicle of the same passenger-carrying capacity for that taxi for a maximum period of seven days, on condition that, whenever such other vehicle uses the taxi facilities, the permit holder must ensure that –
- (a) the permit relating to the defective taxi is always kept in such other vehicle; and
- (b) a decal is always displayed on the other vehicle as required by section 8(3).
- (3) A person who contravenes a provision of subsection (2) commits an offence.

#### 7. Transfer of taxi permit

- (1) If –
- (a) the permit holder dies;
- (b) the permit holder's estate is provisionally or finally sequestered;
- (c) the permit holder is a company or a close corporation which is being liquidated; or

(d) the permit holder becomes in any way incapable in law of carrying on

business,

the executor, trustee, liquidator or curator of property, as the case may be, may, on payment of the transfer fee set out in Schedule 1 of Annexure B, carry on the business undertaking for the unexpired period of the permit.

(2) No permit may, subject to subsection (1), be transferred by the permit holder to another person, and a permit holder who does so commits an offence.

### 8. Issue, display and duplication of decals

(1) A decal containing the particulars of the permit is issued with every permit, and must immediately be affixed to the taxi concerned as contemplated in subsection (3).

(2) (a) A permit holder may apply to use additional taxi facilities.

(b) An additional decal or more decals may be issued to the permit holder to

identify additional taxi facilities allocated to that permit holder.

(3) On obtaining a decal or decals in terms of subsection (1) or (2), the permit holder must immediately –

(a) where the taxi concerned is fitted with a clear windscreen, affix the decal

or decals in a conspicuous place on the left-hand front inside of the windscreen in an upright position with the printed side facing to the

front

in such a way that the particulars on the decal or decals are clearly

legible

to any person standing on the left front side of the taxi; and

(b) where the taxi is fitted with a tinted or smoked glass windscreen, display

the decal or decals in a watertight holder in a conspicuous place on

the

left-hand front outside of the windscreen in such a way that the particulars on the decal or decals are clearly legible to any person

standing

on the left front side of the taxi.

(4) The permit holder must ensure that the decal or decals are kept displayed at all relevant times as contemplated in subsection (3).

(5) (a) If a permit holder –

(i) satisfies the Municipality by affidavit that the permit or a decal has been lost or destroyed;

(ii) produces a permit or decal that has been damaged to the

extent

that the letters and figures on it are no longer clearly legible,

the Municipality must after the permit holder has applied for a duplicate permit

or decal on a form and has paid the amount set out in Schedule 1 of Annexure B,

issue him or her with a duplicate that is clearly endorsed 'DUPLICATE'.

(b) The permit holder must immediately affix the duplicate decal to the vehicle concerned in accordance with subsection (3).

(6) If a taxi is being operated without a decal, it is presumed that the permit holder does not have a valid permit until he or she proves to an authorised officer that he or she does have such a permit and has applied for a duplicate decal.

(7) A person commits an offence if he or she –

- (a) unless he or she is authorised to do so, produces or duplicates a permit or decal;
- (b) affixes an unauthorised decal onto a taxi; or
- (c) operates a taxi on which a decal is in any way concealed or obscured or has become illegible, unless such concealment, obscurity or illegibility is temporary owing to a cause beyond the control of the person who operates the taxi.

#### 9. Payment of permit fees

(1) The permit fee payable for a permit issued for less than one full year is reduced pro rata to the number of months out of 12 months of the permit's validity.

(2) All permit fees and moneys must be paid at the relevant municipal office as determined by the Municipality from time to time.

(3) (a) The payment of any amount in terms of these By-laws does not absolve a

person from criminal liability arising from his or her failure to obtain a permit.

(b) The conviction of a person for an offence under these By-laws does not

relieve him or her of the liability to pay the fees in terms of these By-laws.

#### 10. Amendment of particulars of taxi permit

(1) If the information contained in a permit or decal is incorrect, the Municipality may, notwithstanding anything to the contrary in these By-laws –

(a) notify the permit holder concerned;

(b) require him or her to give a satisfactory explanation; and

(c) require him or her to return the permit or decal for amendment not later

than 10 days after the date of notification.

(2) If it comes to the notice of the permit holder that the particulars on a permit or decal are incorrect because they have changed or are incorrect for any other reason, the permit holder must submit the permit or decal to the Municipality for amendment within 10 days of this coming to his or her notice, however, a permit holder may not, subject to subsection (3), substitute a different motor vehicle for the motor vehicle to which the permit relates.

(3) When a permit or decal is surrendered for it to be amended in terms of this section, the Municipality shall provide the permit holder with a temporary permit or decal, which is valid until the amended permit or decal is returned to the permit holder.

(4) A person who contravenes subsection (1)(c) or (2) commits an offence.

#### **11. Outstanding payments**

All outstanding payments must be paid before a permit is issued.

#### **12. Taxi permit for partnership**

(1) A permit issued to a partnership must specify the full name of each of the partners and the type of business that is being carried on.

(2) If a member of a partnership ceases to be a partner for any reason whatsoever during the year for which the permit is valid, the remaining partner or partners may, on submitting proof that a new partnership has come into existence and on payment of the transfer fee set out in Schedule 1 of Annexure B, carry on the business or undertaking for the unexpired period of the permit.

(3) A partner contemplated in subsection (2) who does not submit proof, commits an offence.

### **CHAPTER 2: TAXI ASSOCIATIONS AND TAXI FACILITIES**

#### **13. Taxi forum**

(1) The Municipality must establish a taxi forum to make recommendations to it on matters relevant to the taxi industry in general.

(2) A taxi association may become a member of the taxi forum.

#### **14. Classes of taxi facilities**

The municipality may designate any taxi facility in the municipality as –

- (a) a special parking place, such as a taxi rank or a stand;
- (b) a taxi stopping place; or
- (c) a taxi holding area.

#### **15. Taxi parking**

(1) A driver may, subject to subsection (2) –

- (a) park a taxi at a special parking place or taxi holding area only; or
- (b) ply for hire, or pick up or drop off passengers only at a special parking

place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes a provision of subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

**16. Use of taxi ranks**

- (1) A driver –
- (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the permit concerned, if space is available; and
  - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 2.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must –
- (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
  - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver –
- (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
  - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her taxi is the first taxi in the queue and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act or the regulations, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Chapter 1.
- (6) A person who contravenes a provision of this section commits an offence.

**17. Prohibition on parking of taxi at stopping place**

No taxi driver may park a taxi at a stopping place, and a taxi driver who does so, commits an offence.

**18. Regulation and control of taxi facilities**

- (1) Subject to subsections (2) and (3), a recognised taxi association may appoint marshals at taxi facilities to perform the duties set out in subsections (4) and (5), however, if a taxi facility or a portion of it has been allocated exclusively to a particular taxi association, only that association may appoint marshals in respect of that particular taxi facility or portion of it.
- (2) In the case of a dispute about which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the taxi forum must decide on the issue.
- (3) The duties of a marshal regarding passengers are –
- (a) to regulate the queuing of passengers according to the appropriate priority and route destination systems;
  - (b) to ensure the orderly loading of passengers into appropriate vehicles;

- (c) to control the appropriate number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities for drivers;
- (d) to direct passengers and to provide information about the activities of the taxis operating at that facility or other taxi facilities; and
- (e) to inform drivers about expected passenger demand and any other related matters.
- (4) The duties of a marshal regarding taxis are –
- (a) to control the arrival of taxis at taxi facilities and specifically at loading areas in accordance with the provisions of sections 2(4) and 16;
- (b) to allow only permit holders in respect of taxi facilities in and out of the facilities;
- (c) to coordinate the movement of taxis between loading and holding areas;
- (d) to control taxi departures according to loading patterns; and
- (e) to direct taxis to a holding area and to redirect them to a rank.
- (6) The Municipality may, after consultation with the taxi forum, lay down a code of conduct for marshals at taxi facilities and amend the code from time to time.
- (7) No person may act as a marshal at a taxi facility unless the taxi association concerned has appointed him or her in writing.

#### **19. Servicing and washing taxis at taxi facilities**

- (1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility, except where provision is made for this purpose.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

### **CHAPTER 3: GENERAL USE AND OPERATION OF TAXIS**

#### **20. Preventing engagement of taxi**

- (1) No person may, subject to the provisions of section 18, by using force, intimidation, threats or by any other means, prevent or try to prevent –
- (a) any person from obtaining or engaging a taxi; or
- (b) the driver of a taxi from taking on passengers.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

#### **21. Conveying dangerous or offensive articles in taxis**

- (1) A person who is in charge of any person or thing may not knowingly convey that other person or thing or allow that other person or thing to be

conveyed in a taxi, whether or not the taxi has been engaged, if that other person or thing –

- (a) is not permitted to be conveyed in terms of an exiting law; or
  - (b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act or the regulations.
- (2) A person who contravenes a provision of subsection (1) commits an offence/

**22. Disinfecting taxi after conveying passengers with infectious or contagious diseases**

(1) The owner, driver or other person in charge of a taxi must take immediate steps to have the taxi disinfected as soon as it has come to his or her knowledge that there has been conveyed in the taxi –

- (a) a passenger suffering from an obvious infectious or contagious disease;
- (b) the body of a person who has died of an obvious infectious or contagious disease; or
- (c) anything that has been exposed to or contaminated with the infection of an obvious infectious or contagious disease.

(2) The owner, driver or other person in charge of the taxi may not convey any passengers in the taxi until the taxi has been disinfected.

(3) The owner, driver or other person in charge of a taxi must notify, and carry out all instructions of a municipal official with regard to the disinfection of a taxi referred to in subsection (1).

(4) A person who contravenes a provision of this section commits an offence.

**CHAPTER 4: METERED TAXIS**

**23. Taximeters**

(1) No person operating a motor vehicle contemplated in paragraph (b) of the definition of “taxi” shall be issued with a permit, contemplated in section 2, for a metered taxi unless and until a taximeter has been fitted to the vehicle.

(2) No taximeter may be used until it has been tested and sealed by an examiner of vehicles.

(3) No person may operate a metered taxi or allow one to be operated unless it is fitted with a tested and sealed taximeter that is in working order.

(4) No person may seal a taximeter unless it registers a fare in accordance with the tariff published by the Municipality.

(5) The use of a separate indicator to indicate to the passenger the charge for extras is permitted on condition that this indicator is part of the taximeter.

(6) A person who contravenes a provision of this section commits an offence.

**24. Metered fares**

- (1) The fares to be charged in respect of metered taxis must be in accordance with the tariff published by the Municipality.
- (2) No driver of a metered taxi may charge, demand or attempt to obtain from a passenger a fare lower or higher than the tariff published by the Municipality.
- (3) A person who contravenes a provision of this section commits an offence.

**25. Tariffs to be displayed on taxis**

- (1) The driver of a metered taxi must affix a sign on the left front door of the taxi so that the tariffs are plainly visible to the passenger, and this sign must show in legible characters –
  - (a) the appropriate tariff of fares;
  - (b) the number of passengers the metered taxi is permitted to carry;
  - (c) the registration number of the metered taxi; and
  - (d) the relevant portion of the permit (decal) reference number.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**26. Position of meter**

- (1) The taximeter must be –
  - (a) fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat; and
  - (b) illuminated after dark.
- (2) The driver of a metered taxi who contravenes a provision of subsection (1) commits an offence.

**27. Operation of meter**

- (1) Except as provided for in sections 28 and 29, the taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the taxi or from another portion of the mechanism of the taxi that the Municipality may approve.
- (2) The driver of a metered taxi must ensure that the taximeter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff published by the Municipality.
- (3) The driver of a metered taxi who operates a taxi, the taximeter of which does not comply with subsection (1), or who contravenes subsection (2) commits an offence.

**28. Meter indicators**

- (1) The owner of a metered taxi must ensure that –
  - (a) the taximeter has an indicator which –
    - (i) is incorporated in the taximeter or attached to it;
    - (ii) has the words “For hire” on it when the taxi is available for hire; and
    - (iii) may be hand-operated;
  - (b) the indicator of a taximeter has a –
    - (i) “Pay” or “For hire” position, denoting that the taximeter is not in

- operation;
- (ii) “Hired” or recording position, denoting the recording by the taximeter of the fare by a combination of time and distance;
- and
- (iii) “Time not recording” position or light, denoting that the clock mechanism is not recording.
- (2) An owner of a metered taxi who does not comply with a provision of subsection (1) commits an offence.

### 29. Starting of meter

- (1) The driver of a metered taxi must –
- (a) on arrival at the passenger’s departure point, and not sooner, start the taximeter in the “Hired” position and, on termination of the hiring, immediately stop the taximeter from recording; and
- (b) stop the taximeter from recording for the duration of a stoppage if the stoppage is not caused by traffic congestion or by the action of the passenger or at the request of the passenger.
- (2) A driver who contravenes a provision of subsection (1) commits an offence.

### 30. Taxi called but not engaged

- (1) A person who calls for or summons a metered taxi and who, on its arrival, fails to engage it, must pay the fare at the tariff published by the Municipality for the distance from the stand, rank or place from which the metered taxi had been despatched to the place to which the person had called or summoned the metered taxi.
- (2) If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi’s services are not required, the person who called for or summoned the taxi must, in addition to the normal fare, pay the driver waiting at the tariff published by the Municipality.
- (3) A person who does not pay the driver as contemplated in subsection (1) and (2) commits an offence.

### 31. Meter seals to be kept intact

- (1) The owner of a metered taxi must at all times keep intact and undamaged all seals that were affixed to a taximeter by an examiner of vehicles or an approved organisation.
- (2) If the seal or seals of a taximeter are accidentally broken or defaced, the driver of the taxi must immediately, before the taxi is used as a passenger-carrying vehicle, apply to the Chief Traffic Officer or an organisation approved by the Municipality to replace or renew the seal or seals.
- (3) A person who contravenes a provision of this section commits an offence.

### 32. Meter tolerances

The tolerance to be allowed on all taximeters when tested is as follows:

- (a) Road test: No tolerance in deficiency or over-registration is allowed, but if the vehicle's tyres are obviously worn, a tolerance in deficiency of 10 meters per kilometre and a tolerance in excess of 50 meters per kilometre are allowed.
- (b) Time test: A tolerance in deficiency of one second per minute and a tolerance in excess of two seconds per minute are allowed.

### 33. Interference with meter prohibited

- (1) No person may, so as to cause the taximeter to register anything other than the true fare chargeable by the driver in accordance with the tariffs published by the Municipality –
- (a) destroy, break or tamper with the seal affixed to a taximeter by the examiner of vehicles or by an organisation approved by the Municipality; or
- (b) adjust or interfere or tamper with a taximeter or a connection of a taximeter, or any tyre or fitting of a taxi.
- (2) No driver or owner of a taxi may allow the taxi to be used as a passenger-carrying vehicle if –
- (a) the taximeter affixed to it does not register the true fare; or
- (b) the tyres fitted to the taxi are not the same size as those which were on the vehicle when the taximeter was tested and sealed.
- (3) The driver or owner of a metered taxi –
- (a) must ensure that the taxi is fitted with a speedometer and an odometer, both of which is in good and proper working order, and that the odometer, subject to the provisions of subsection (1), reflects the true distance travelled; and
- (b) may not operate or allow the taxi to be operated unless the speedometer fitted to it works properly.
- (5) A person who contravenes subsection (1), or a driver or owner who contravenes subsection (2) or (3) commits an offence.

### 34. Meters liable to be tested at any time

- (1) An authorised officer may be written notice instruct the owner or driver of a metered taxi to present the taxi concerned to an examiner of vehicles for examination and testing of the taximeter at a time and place specified in the notice.
- (2) An owner or driver who does not comply with an instruction as contemplated in subsection (1) commits an offence.

### 35. Charge for testing meters

The fees published by the Municipality must be paid to the Municipality for every taximeter tested by the Municipality in terms of section 34.

**36. Meters may be condemned**

- (1) If a taximeter affixed to a metered taxi is found not to be in order and not working satisfactorily, an examiner of vehicles may condemn the taximeter and remove the seal or mark placed on it in terms of section 31
- (2) No person may use a condemned taximeter in a taxi until the taximeter has been retested, approved and sealed by an examiner of vehicles, and a person who does so, commits an offence.

**37. Taxi signs for metered taxis**

- (1) A metered taxi that is operated within the Municipality must be fitted with an illuminated roof sign in accordance with the requirements set out in Annexure A.
- (2) The illuminated roof sign must be properly maintained at all times.
- (3) A person who operates a metered taxi in contravention of subsection (1) or who fails to maintain a roof as contemplated in subsection (2) commits an offence.

## CHAPTER 5: BUS FACILITIES AND PERMITS, AND THE OPERATION OF BUSES

**38. Establishment of bus facilities**

The provisions of section 2(1),(2) and (3) apply, with the necessary changes, to buses, and “special parking places” must, in relation to buses, be read as “demarcated stopping places or stands for buses” as contemplated in section 41.

**39. Application and issue of bus permits, fees, and display of decals**

- (1) The provisions of sections 3, 4, 5, 6, 9, 10, 11 and 12 apply, with the necessary changes, to buses.
- (2) Except for the buses provided for in subsection (3), a bus may not use a public transport facility within the municipal area of Ukhahlamba District unless the bus displays the necessary decal.
- (3) A bus operator who transports passengers for reward and who owns more than 20 buses, but who uses fewer than 20 buses within the Municipality for transporting passengers, must pay the permit fees due to the Municipality for his or her buses according to the following formula:  
 The bus operator’s maximum number of buses which on any day of the year is used for the above purposes, train buses excluded (for which individual permits and decals need to be obtained), multiplied by the permit fee payable per bus as set out in Schedule 1 of Annexure B.
- (4) The permit fees for the number of buses referred to in the formula above are determined according to that bus of the operator which is certified to carry the largest number of passengers and which is normally used within the municipality, and the permit issued for these permit fees is not linked to any specific bus.
- (5) The bus operator must –
- (a) provide an audited certificate of the number of buses referred to in the

- Traffic formula above, together with his or her application to the Chief Officer; and
- (b) each year after that, provide an audited certificate, together with any other documents that the Chief Traffic Officer may reasonably demand.
- (6) The owner of a bus who uses or allows to be used a bus in contravention of subsection (2) commits an offence.

#### 40. General use and operation of buses

The provisions of Chapter 3 apply, with the necessary changes, to buses.

#### 41. Distinguishing of demarcated stops and stands for buses

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

#### 42. Getting on bus

(1) If a bus operating on a bus route for the purpose of conveying passengers is carrying less than the maximum number of passengers that the bus is lawfully entitled to carry and the driver of the bus sees a person waiting at a demarcated stopping place apparently intending to get on the bus, the driver must, subject to subsection (2), stop the bus at the stopping place, as close as possible to the kerb or edge of the public road, in order to enable the person to get on.

(2) The driver of a bus that has a notice that it is an “express”, “limited stop” or “special vehicle” is not required to stop until reaching the destination specified by the notice.

(3) No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated stopping place or stand.

(4) A conductor (if there is one) of a bus may not allow a person to get on a bus, and no person may get on a bus, at any place that is not a demarcated stopping place or stand.

(5) The driver of a bus who contravenes subsection (1), (3) or (4) and a person who contravenes subsection (4) commits an offence.

#### 43. Getting off bus

The provisions of section 42(3), (4) and (5) apply to in the instance where a passenger intends to get off a bus.

#### 44. Parking at stopping places for buses and destination signs

(1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.

(2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(3) A driver or a person in charge of a bus who contravenes a provision of this section commits an offence.

## CHAPTER 6: ENFORCEMENT

**45. Permit to be produced on demand**

- (1) The holder of a permit must –
- (a) maintain the permit in a good and legible condition; and
  - (b) keep the permit in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- (2) A traffic officer may call on the driver of a taxi or bus to stop and may demand that he or she –
- (a) produce the permit; and
  - (b) give his or her full name and address and also the name and address of the owner of the taxi or bus.
- (3) A driver referred to in subsection (2) commits an offence if he or she –
- (a) fails or refuses to stop;
  - (b) fails or refuses to give his or her full name and address;
  - (c) fails or refuses to give the correct name and address of the owner of the vehicle in his or her charge;
  - (d) gives a false name or address; or
  - (e) fails or refuses to produce a permit.

**46. Unauthorised handing over or abandonment of bus or taxi**

- (1) No driver of a taxi or bus may –
- (a) abandon his or her vehicle; or
  - (b) allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the public road transportation permit concerned.
- (2) A driver who contravenes a provision of subsection (1) commits an offence.

**47. Enforcement of right of entry**

- (1) An authorised officer may, in enforcing these By-laws, at any reasonable time and without prior notice –
- (a) enter a taxi or bus facility to inspect the facility; and
  - (b) make enquires from a person connected with the facility.
- (2) A person who interferes with an officer in the exercise of his or her power as contemplated in subsection (1) commits an offence.

**48. Presumptions**

- (1) A motor vehicle that is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.
- (2) (a) Where in any prosecution in terms of the common law relating to the

is driving of a vehicle on a public road, or in terms of these By-laws it  
 presumed, in necessary to prove who was the driver of such vehicle, it is  
 by the absence of evidence to the contrary, that such vehicle was driven  
 the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of  
 these By-laws, it shall be presumed, in the absence of evidence to the  
 contrary,  
 that such vehicle was parked by the owner thereof.

(c) For the purposes of these By-laws it is presumed, in the absence of  
 evidence to the contrary, that, where the owner of the vehicle  
 concerned is a corporate body, such vehicle was driven or parked, by a director  
 or servant of the corporate body in the exercise of his or her powers or  
 in the carrying out of his or her duties as such director or servant or in  
 furthering or endeavouring to further the interests of the corporate  
 body.

(3) In any prosecution in terms of these By-laws, the fact that any person  
 purports to act or has purported to act as a traffic officer or peace officer, is prima  
 facie proof of his or her appointment and authority so to act, however, this section  
 does not apply to a prosecution on a charge for impersonation.

**49. Suspension or withdrawal of permit**

(1) Where the owner, permit holder or person in charge of a taxi or bus has  
 been found guilty of contravening these By-laws, and irrespective of whether any  
 other penalty by a court of law has been imposed, the Municipality may, subject to  
 the provisions of section 50 and after all the circumstances of the case have been  
 taken into consideration, suspend the permit for such a taxi or bus for a period, or  
 withdraw the permit.

(2) The Municipality may, after taking all the circumstances of the case into  
 consideration, suspend the permit for a taxi for a period or withdraw the permit if

– (a) the owner of the taxi does not –  
 (i) comply with an instruction issued in terms of these By-laws;  
 or (ii) maintain the taxi at all times in a clean state and in sound  
 running condition and repair; or

(b) an authorised officer inspects the taxi and finds that the taxi –  
 (i) is constructed in such a way or is in such a condition that the  
 taxi

is unsafe for the number of passengers that it is authorised to carry; or

(ii) does not comply with the conditions specified in these By-laws or the Act or regulations.

(3) No person may use a vehicle as a taxi at a taxi facility or allow one to be used as a taxi at a taxi facility if the vehicle's permit has been suspended or withdrawn.

(4) A person who contravenes subsection (3) commits an offence.

#### 50. Procedure for proposed suspension or withdrawal of permit

(1) A permit may not be suspended or withdrawn unless –

(a) the Municipality has given the permit holder and any taxi association of

which the permit holder is a member, at least 14 days written notice by

certified mail of the Municipality's intention to suspend or withdraw the

permit, and such a notice must give –

(i) the reasons for the proposed action and an adequate statement

(ii) setting out the nature of the action; the gist of the matter which could be prejudicial to the permit holder, together with an invitation to respond to the matter; (iii) an address for the submission of representation as

contemplated

(iv) in subsection (2); and the date, time and place of a hearing (not less than 28 days

from

the date of the notice) to consider the suspension or withdrawal,

and an indication that the permit holder may submit representations and appear at the hearing; and

(b) the permit holder is given an opportunity to, either personally or through

make his or her duly authorised representative, appear at a hearing, to representations, before the Municipality or a committee of the Municipality.

(2) If a permit holder who has received a notice referred to in subsection (1) wishes to appear and to oppose the proposed action, he or she must, within 14 days of receiving the notice (or within a further period that the Municipality may allow), submit representations in writing by hand or by certified mail to the address indicated in the notice.

(3) After the hearing referred to in subsection (1), the Municipality must give a ruling on whether or not to suspend or withdraw the permit and must give the permit holder its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

(4) A record of the proceedings at the hearing referred to in subsection (1) must include –

- (a) the evidence given, if any;
- (b) any objection made to any evidence received or submitted ; and
- (c) the ruling given at the hearing.

## CHAPTER 7: MISCELLANEOUS PROVISIONS

### 51. Change of address of permit holder

(1) If the permit holder changes his or her address during the currency of the permit, he or she must notify the Municipality in writing of the new address not later than seven days after the change of address, and this notice must be delivered by hand, facsimile machine or certified mail.

(2) A permit holder who contravenes a provision of subsection (1) commits an offence.

### 52. Property left in passenger-carrying vehicles

(1) The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must –

- (a) deliver that property to the person who left it behind; or
- (b) if he or she is unable to deliver that property to the person who left it behind, take the property as soon as possible to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

(2) A driver who contravenes a provision of subsection (1) commits an offence.

### 53. Penalties

A person who has committed an offence in terms of these By-laws is liable on conviction to a fine or to imprisonment for a period not exceeding six months.

### 53. Repeal of by-laws

The following By-laws are repealed:

### 55. Short title and commencement

These By-laws are known as the Ukhahlamba District Municipality Passenger Transport By-laws, 2005, and commence on a date determined by the Council.

### Annexure A

#### SPECIFICATION FOR ROOF SIGNS FOR TAXIS IN TERMS OF SECTION 37

1. The roof sign must be double-sided, and illuminated on both sides, and be capable of being fitted to a vehicle either by being bolted or riveted to the roof or fixed by brackets to the guttering of the vehicle.
2. The roof sign must be fitted in such a position that it is visible to both following and oncoming traffic in all types of weather conditions and must be uniformly illuminated in such a way that identification under all normal conditions is possible.
3. The roof sign must be illuminated during hire.
4. The roof sign must be constructed of 3mm acrylic sheeting, silk-screen printed on the inside with an acrylic based silk screen paint. The outer measurements of the roof sign must not be more than 400mm in length, 200 mm in height and 200mm in depth.
5. The roof sign must have on it the word "Taxi" in 75mm high black letters, the relevant portion of the permit reference number and the operator's contact telephone number in 50mm high black figures on a white background.
6. All lettering on the sign must appear in bold type and must be at least 10mm wide, and the letter style must be DIN "A".

**Annexure B****SCHEDULE 1**

**TARIFF OF PERMIT AND OTHER FEES PAYABLE TO THE MUNICIPALITY FOR THE FOLLOWING VEHICLES AND DRIVERS, AND TRANSFER OR PERMITS:**

<b>ITEM NO</b>	<b>DESCRIPTION OF VEHICLE AND PERMIT APPLICABLE</b>	<b>PERMIT FEES PER ANNUM R</b>
	Section 11: Passenger-carrying vehicles, public buses and taxis	
1	FOR EACH TAXI CARRYING NOT MORE THAN:	
1.A	1 – 9 passengers	800.00
1.B	10 to 18 passengers(minibus)	1 200.00
2.	FOR EVERY PUBLIC BUS WITH SPACE FOR:	
2.A	19 to 35 passengers (midibus)	1 600.00
2.B	36 to 50 passengers	2 000.00
2.C	51 or more	2 400.00
3.	TRANSFER OF PERMIT (SEC.7)	100.00
4.	DUPLICATE PERMIT (SEC.8(5))	50.00

**SCHEDULE 2**  
**TARIFF OF FARES FOR METERED TAXIS**

- |     |   |                    |
|-----|---|--------------------|
| 1.  | For any number of passengers:                         |                    |
| (1) | To activate the fare indicator meter:                 | R2.00              |
| (2) | For the first kilometre or part of it:                | R3.30              |
| (3) | For each subsequent kilometre or part of it:          | R3.30              |
| (4) | Children three years or younger incharge of an adult: | Free of charge     |
| (5) | Waiting time for each period of two minutes:          | R0.60              |
| (6) | Hand luggage:   | Free of charge     |
| (7) | Other luggage:  | An extra charge as |
- agreed  
on between the driver  
and the passenger

2. The total charge for passengers in terms of item 1 must always be the same regardless of the number of passengers conveyed simultaneously, unless the driver and the passengers agree otherwise before the start of the trip in cases where more than one passenger is conveyed simultaneously.

**LOCAL AUTHORITY NOTICE 115****UKHAHLAMBA DISTRICT MUNICIPALITY  
COMMUNITY FIRE SAFETY BY-LAWS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Ukhahlamba District Municipality, enacts as follows:-

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##### 1. Definitions

In this by-law, 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, storm water 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 Services Act, 1987 (Act 99 of 1987);
- “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, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, 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 3 and 4 of this by-law;
- “dangerous goods”** means a flammable gas, liquid or solid as contemplated in SANS 0228;
- “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 0400;
- “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 or 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 193;

“**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 –

(a) detect, control or extinguish a fire; or

(b) 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 0400;

“**flammable gas**” as contemplated in SANS 0228, 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 danger groups as determined in SANS 0228, and as represented in Schedule 1;

“**flammable solid**” as contemplated in SANS 0228, 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 are desensitised (wetted) explosives that can explode if not diluted sufficiently.

“**flammable substance**” means a 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 50 of this By-law;

“**Hazardous Substances Act**” means the Hazardous Substances Act, 1973 (Act 15 of 1973);

“**municipality**” means the Ukhahlamba District Municipality, and includes any political structure, political office bearer, municipality or, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, municipality or, agent or employee;

“**Municipal Manager**” means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**National Building Regulations**” means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and –

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

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

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

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

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

“**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 0177: 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 0400;

“**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 may be, 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 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 the 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 bridge, 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 Bureau of Standards SANS Codes of Practice and Specifications issued in terms of the Standards Act and referred to in this by-law and as represented in Schedule 4;

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

**“site”** means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

**“Standards 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 the purposes of chapter 7 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 -

- (a) “**road tank vehicle**” which means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) “**tank-semi-trailer**” which 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;
- (c) “**tank trailer**” which 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;
- (d) “**tank truck**” which means a single, self-propelled vehicle with a tank mounted on it;
- (e) “**truck-tractor**” which means a self-propelled vehicle used to pull a tank-semi-trailer, and
- (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 8 of this By-law.

## 2. Purpose of by-law

The purposes of this by-law are –

- (a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality; and
- (b) to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.

## CHAPTER 1 ADMINISTRATIVE PROVISIONS

### 3. Administration and enforcement

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

### 4. Delegation

- (1) A chief fire officer may delegate any power granted to him in terms of this by-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegations of the municipality.

## **5. Enforcement provisions**

- (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.

## **6. Authority to investigate**

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.

## **7. Failure to comply with provisions**

- (1) When a controlling authority finds that there is non-compliance with the provisions of this by-law, excluding the situation in section 5(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.

## **8. Denial, suspension or revocation of approval or certificate**

- (1) A controlling authority may refuse, suspend or revoke an approval or a certificate required by this by-law for -
  - (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate; or
  - (b) non-compliance with the provisions of the approval or certificate.

## **9. Records required**

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

## 10. Charges

- (1) The municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

## 11. Reporting fire hazard and other threatening danger

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

## CHAPTER 2 FIRE PROTECTION OF BUILDINGS

### 12. General

The controlling authority in terms of section 5(3) or section 7(1) of this by-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

### 13. Access for emergency vehicles

- (1) When, in the opinion of the controlling authority, premises are not readily accessible 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 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.

### 14. Division and occupancy separating elements

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.

#### **15. Fire doors and assemblies**

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

#### **16. Escape routes**

- (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, 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.

#### **17. Tents**

- (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 22 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, an 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 requirements set out in the National Building Regulations (T1) must be complied with in the following instances:
    - (i) Where the population of a tent exceeds 25 people;

- (ii) where a tent is occupied during the hours of darkness;
  - (iii) for seating arrangements and aisle dimensions; and
  - (iv) for the provisions 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 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

### **CHAPTER 3 FIRE SAFETY EQUIPMENT**

#### **18. Fire extinguishers**

- (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 0105: 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 Bureau of Standards 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.

(8) 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.

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

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

(2) A 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, serviced, 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.

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

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.

#### **21. Fire alarms and fire hydrants**

(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, 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, 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, metal plate or painted marker.

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

#### **CHAPTER 4 PUBLIC SAFETY**

##### **22. Prevention and control of overcrowding**

(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 5(2) or 7(1) and section 8 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.

### **23. Attendance of service**

(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.

### **24. Formulation of emergency evacuation plan**

(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 subsections (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.

### **25. Displaying of escape route plans**

(1) In a hospital, residential institution, hotel, guest house, 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.

#### **26. 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 therefrom 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 5 HOUSEKEEPING**

#### **27. Combustible waste and refuse**

(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.

#### **28. Dust**

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.

#### **29. Combustible or flammable substances and sweeping compounds**

(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 purposes.

(2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

#### **30. Accumulations in chimneys, flues and ducts**

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.

#### **31. Sources of ignition**

(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 are 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 situations where such use or operation would present a fire hazard or other threatening danger.

### **32. Smoking**

- (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: Part 1.
- (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.

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

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

### **34. 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 6 FIRE HAZARDS**

### **35. Combustible material**

- (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 any premises, any combustible material or a flammable substance in quantities or in a 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 any 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.

### **36. Lighting of fires and burning of combustible material**

- (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 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 7 FLAMMABLE SUBSTANCES**

### **37. Application of Chapter**

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the area of jurisdiction of the municipality so as to prevent and reduce fire hazards or other threatening dangers.

### **38. Storage and use of flammable substance**

(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) a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed; and
- (b) an application form similar to the form contained in Schedule 2 in

which he or she applies for a flammable substance certificate..

(2) Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, 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 (T1), SANS 0131: Parts 1 and 2, SANS 089: Part 3 and SANS 087: 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 pipe work, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).

(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 pipe work, 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) Unless he has obtained a flammable substance certificate from the controlling authority, 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.

### **39. Flammable substance certificate**

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38(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 38(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 38(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 5(2) or 7(1) and section 8 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 times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

### **40. Permanent or temporary above ground storage tank for flammable liquid**

- (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 0131: Part 1 or SANS 0131: 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 38(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant 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, buildings 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 of 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 SANS 0232: 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 0108 and SANS 089: Part 2.

#### **41. Underground storage tank for flammable liquid**

The installation of underground storage tanks, pumps, dispensers and pipe work at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SANS 0400, SANS 089: Part 3 and SANS 0131: Part 3

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

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 089: Part 1.

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

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 087: Part 1.

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

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 087: Part 2.

**45. The fuelling of forklift trucks and other LP gas operated vehicles**

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SANS 087: Part 8

**46. The storage and filling of refillable liquid petroleum gas containers**

Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 087: Part 7.

**47. Bulk storage vessel for liquid petroleum gas**

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 087: Part 3.

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

(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 pipe work, 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.

**49. Reporting accidents**

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.

**50. Flammable stores**

(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 0400.

- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or 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 0400 –
- (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 located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m<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 1 100 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 greater;
  - (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 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances 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 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit 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 pipe work 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 Ezithatha 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.

#### **51. Container handling and storage**

- (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) An 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 10 m<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.

#### **52. Spray rooms and booths**

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

#### **53. Liquid petroleum gas containers**

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 087: Part 1 and SANS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SANS 087: Part 7.

### **CHAPTER 8 TRANSPORTATION OF DANGEROUS GOODS**

#### **54. Dangerous goods certificate**

- (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 087: Part 4, SANS 089: Part 1, SANS 0230, 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

writing to take all reasonable steps to remedy the defaults prior to the use of the 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 section 5(2) or 7(1) and section 8 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 9 GENERAL PROVISIONS**

### **55. State Bound**

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

### **56. Offences and penalties**

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 upon conviction liable to -

- (i) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- (ii) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
- (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

### **57. Short title and commencement**

This by-law may be cited as the Community Fire Safety By-law, and commences on the date of publication thereof in the Provincial Gazette.

**SCHEDULE 1****(Section 1)****DANGER GROUP BASED ON FLAMMABILITY.****DANGER GROUP BASED ON FLAMMABILITY**

1	2	3
Danger group	Closed cup flashpoint (°C)	Initial boiling (°C)
(i)	-	35(°C)
(ii)	<23(°C)	>35(°C)
(iii)	<23 - 60,5 (°C)	>35(°C)
(iv)	>60,5 – 100 (°C)	>35 (°C)

**SCHEDULE 2****Forms**

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

**A. Population Certificate Application**

<p style="text-align: center;"><b>For official use only</b></p> <p>Permanent / Temporary (Delete which is not applicable)</p> <p>Application No. _____</p> <p>File No. _____</p>	<p><b>UKHAHLAMBA DISTRICT MUNICIPALITY</b></p>
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**Population Certificate Application**

Application for a Population Certificate is made in terms of Section 22 (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	

**Details of Premises**

How many floors does the building have?		<i>How many floors are occupied by the venue for which this application is being made?</i>	
<b>Square metres of usable area per floor of venue</b> Indicate a separate square meterage for each floor occupied by the venue in the blocks below		<b>Expected Population</b>	
		<b>Number of exits per floor</b> Indicate exits per floor separately in the blocks below	
Floor ( )	Floor ( )	Floor ( )	Floor ( )
Floor ( )	Floor ( )	Floor ( )	Floor ( )
Floor ( )	Floor ( )	Floor ( )	Floor ( )
Floor ( )	Floor ( )	Floor ( )	Floor ( )
Floor ( )	Floor ( )	Floor ( )	Floor ( )
Floor ( )	Floor ( )	Floor ( )	Floor ( )

- 1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.
- 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.
- 3) The certificate is valid only for the premises for which it is issued and is not transferable.
- 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.

<b>Signature of applicant</b>	
<b>Print Name</b>	
<b>Date</b>	
<b>Address</b>	

<b>For Controlling Authority: (Signature)</b>	
<i>Print Name</i>	
<i>Date</i>	
<i>A certificate fee of R _____ is payable to <b>THE UKHAHLAMBA DISTRICT MUNICIPALITY</b> in respect of this application and the subsequent inspection.</i>	

**B. Population Certificate**

<p><b>For Official use only</b></p> <p>Permanent / Temporary <b>(Delete which is not applicable)</b></p> <p>Application No. _____</p> <p>File No. _____</p>	<p><b>UKHAHLAMBA DISTRICT MUNICIPALITY</b></p>
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**Population Certificate**

This population certificate is issued in terms of Section 22 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> ect)
Street address:	
Suburb:	Code

**Details of Premises**

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					
						A. Number of exits per floor					
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
						Maximum population per floor					
						Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )

- 1) The certificate is issued in terms of Section 22 of the Community Fire Safety By-law and is valid only for the premises for which it was issued.
- 2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate.
- 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.

<b>For controlling authority (signature)</b>	
<b>Print name</b>	

<b>Date</b>	
-------------	--



A certificate fee of R\_\_\_\_\_ is payable to **THE UKHAHLAMBA DISTRICT MUNICIPALITY** in respect of this application and the subsequent inspection.

**Controlling Authority:** \_\_\_\_\_

**Date:**

**Name of receiving official:** \_\_\_\_\_

**Designation :**

\_\_\_\_\_



**D. Flammable Substance Certificate**

<b>For official use only</b>	<b>UKHAHLAMBA DISTRICT MUNICIPALITY</b>	
Application No. _____		
File No. _____		
Certificate No. _____		
<b>Flammable Substance Certificate</b>		
Permission for the storage and use of flammable substances in terms of Section 38 of the Community Fire Safety By-law		
Name of applicant:		
Trading as:		
Type of business, e.g. shop:		
ERF No.		
Street address:		
Suburb:		Code
<b>In terms of Section 38 of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances</b>		
<b>Manner of storage</b> Each installation/tank or flammable store must be individually itemised	<b>Itemised quantity of products</b> e.g. 1x23 m <sup>3</sup> tank, 2x5x48 kg LPG manifold, contents of flammable store	<b>Product</b> e.g. petrol, diesel, LPG
<b>See reverse side for additional information</b>		

This certificate is issued by **THE UKHAHLAMBA DISTRICT MUNICIPALITY** and is valid until

Date of Renewal \_\_\_\_\_

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

For controlling authority (signature) \_\_\_\_\_ Date of  
issue \_\_\_\_\_

*Name of issuing official (Print Name)* \_\_\_\_\_ *Designation.*  
\_\_\_\_\_



**E. Dangerous Goods Certificate Application**

<b>For official use <del>only</del></b>		<b>UKHAHLAMBA DISTRICT MUNICIPALITY</b>	
Application No.			
File No.			
<b>Dangerous Goods Certificate Application in respect of flammable materials.</b>			
Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
<b>Address of operator</b>			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
<b>Location of vehicle</b>			
ERF No.			
Street address:			
Suburb:		Code	
City			
<b>B. Details of vehicle for which a certificate of registration is required</b>			
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)			

**For official use only**

A certificate fee is payable to **THE UKHAHLAMBA DISTRICT MUNICIPALITY** in respect of this application and the Subsequent inspection.

**Signature of receiving official** \_\_\_\_\_

**Date:**

**Name of receiving official:** \_\_\_\_\_

**Designation :**

**F. Dangerous Goods Certificate**

<b>For official use only</b>	<b>UKHAHLAMBA DISTRICT MUNICIPALITY</b>
Application No. _____ File No. _____	

**Dangerous Goods Certificate in respect of flammable materials.**  
 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.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.

**Details of Operator**

Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			

**Details of Vehicle**

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 gas (kg)	
Flammable solid (kg)	

This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.

This certificate is issued by the **UKHAHLAMBA DISTRICT MUNICIPALITY** and is valid until

\_\_\_\_\_

Date of Renewal \_\_\_\_\_

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

Controlling Authority (Signature) \_\_\_\_\_ Date of issue \_\_\_\_\_

Name of issuing official (Print name) \_\_\_\_\_ Designation. \_\_\_\_\_

**SCHEDULE 3****Applicable legislation**

With reference to section 36: -

<b>Title</b>	<b>No.</b>
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 Specifications**

<b>SANS Code</b>	<b>Title</b>
SANS 019	Portable metal containers for compressed gas –basic design, manufacture, use and maintenance.
SANS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SANS 087: 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 5000l.

<b>SANS Code</b>	<b>Title</b>
SANS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 087: 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 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SANS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.

<b>SANS Code</b>	<b>Title</b>
SANS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 0142	The wiring of premises.
SANS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 0228	The identification and classification of dangerous substances and goods.
SANS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SANS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 0400	The application of the National Building Regulations.
SANS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.

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<b>SANS Code</b>	<b>Title</b>
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.

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