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DEPARTMENT OF HEALTH

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Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

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take note!

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

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

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

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REMINDER

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- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 396 OF 2016**CITY OF TSHWANE METROPOLITAN MUNICIPALITY:
FIRE BRIGADE SERVICE BY-LAWS**

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes in terms of section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), read with section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the City of Tshwane Metropolitan Municipality: Fire Brigade Service By-laws, as approved by the Council on 29 October 2015.

The said By-law will come into operation on date of publication hereof in the Provincial Gazette.

**JASON NGOBENI
CITY MANAGER**

9 March 2016
(Notice 216 of 2016)

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY
FIRE BRIGADE SERVICE BY-LAWS**

To provide the City of Tshwane Metropolitan Municipality with legislative measures, to ensure that a more sustainable fire safe environment is developed. The purpose of these By-laws are to establish and maintain a service for the area of jurisdiction of the municipality, to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the municipality.

PREAMBLE

WHEREAS section 152(1)(d) of the Constitution of the Republic of South Africa, 1996 read together with the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), as well as various other legislation states that everyone has a right to an environment that is not harmful to their health and well-being;
and

WHEREAS the said Municipal Systems Act, 2000 provides that local government ensure that municipal services are provided to communities in a financially and environmentally sustainable manner and promote safe and healthy environments; and

BE IT THEREFORE ENACTED in terms of section 13 of the Local Government: Municipal Systems Act, 2000 read together with section 15 of the Local Government- Municipal Structures Act, 1998 (Act 117 of 1998).by the City of Tshwane Metropolitan Municipality as follows-

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PART 1**1. DEFINITIONS**

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

"access door" means any door that provides access to an emergency route;

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

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

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

"area" means any residential area or any other area within the boundaries of the Municipality;

"authorised officer" means a member of the Service authorised by the *Chief Fire Officer* to conduct certain duties as delegated in terms of section 19 of the *Act, 1987*;

"building" includes -

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

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

"certificate of appointment" means an identification document issued by the Chief of the Metro Police to a member as set out in Annexure IV to these By-laws;

"certificate of fitness" means a certificate contemplated in section 44 of these By-laws, which certificate has been issued by the Service and authorises a person to occupy designated premises (which are a public building);

"certificate of registration" means a certificate issued by the Service in terms of section 66 of these By-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of hazardous substances;

"Chief Fire Officer" means the person appointed by the controlling authority in terms of section 5(1) of the *Act, 1987* and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the *Act*, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the *Act*, and **"Manager- Fire Services"** has a corresponding meaning;

"standard" means the South African national Standard as defined in section 1 of the *Standards Act, 1993 (Act 29 of 1993)*;

"controlling authority" means the local authority in control of the Service as defined in the *Act, 1987*;

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

"designated officer" means the person designated in terms of **section 22** of the *Rationalisation of Local Government Affairs Act 1998, (Act No. 10 Of 1998)*; and a designated officer also means a metro police officer as defined in section 64G of the *South African Police Services Act, 1995 (Act No. 68 of 1995)*, as amended

"designated premises" means any premises designated by the Service with a view to an emergency evacuation plan as contemplated in section 42 of these By-laws;

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

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

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

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

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

"emergency evacuation plan" means a written procedure and a set of detailed plans as contemplated in Annexure III to these By-laws;

"emergency lights" means artificial lighting with a minimum average luminance of **50 lux** on a horizontal plane minimum **100 mm** above the floor;

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

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

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

"explosive(s)" means -

- (a) a substance, or a mixture of substances, in a solid or liquid state, which is capable of producing an explosion;
- (b) a pyrotechnic substance in a solid or liquid state, or a mixture of such substances, designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as the result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances which do not evolve gases;
- (c) any article or device containing one or more substances contemplated in paragraph (a);
- (d) any plastic explosive; or
- (e) any other substance or article which the *Minister of Safety and Security* may from time to time by notice in the official *Gazette* declare to be an explosive;

"extinguishing stream" means the amount of water that the Service needs to extinguish a fire;

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

"feeder route" means that part of an escape route which allows travel in two different directions to access doors of at least two emergency routes;

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

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

"fire grading" means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with **SANS 10177-2 to 7**, as amended;

"fire incident" means a fire within any premises in the area;

"fire installation" means any water installation which conveys water solely for fire-fighting;

"fire risk category" means the fire risk categories as contemplated in **SANS 10090**;

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

"fireworks" means any pyrotechnic substance contemplated in paragraph (b) of the definition of "explosives" which –

- (a) is manufactured for the purposes of amusement or entertainment; and
- (b) is divided into such classes as may be described in the **Explosives Act, 1956 (See Also Act 15 of 2003)**;

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

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

"life threatening condition" means any condition that hinder the safe escape from a building;

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

"member" means a member of the Service as contemplated in section 6 and 6A of the *Act, 1987*;

"Municipality" means the duly constituted City of Tshwane Metropolitan Municipality;

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

"National Building Regulations" means the regulations published by *Government Notice R. 574 of 30 May 2008 in Government Gazette No. 31084*, as amended;

"normative reference list" means the list of *South African National Standards* and other legislation which are contained in **Annexure V** to these By-laws;

"occupancy", in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of **"public building"**;

"occupier" means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

"owner", in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the

Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of section 18 of the *Act, 1987*, the body corporate as contemplated in the *Sectional Titles Act, 1986*, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

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

"premises" means land, a building or other construction or structure, or any part of it, and includes -

any building or room in which explosives are stored, kept or handled for the purpose of sale-
Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

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

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

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

"registered premises" means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of hazardous substances, as well as a certificate or permit to occupy premises;

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

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

"SANS" means the *South African National Standard* as determined from time to time by the *South African Bureau of Standards* and where numbered; the relevant standard indicated by the particular number or numbers;

"Service" means the Fire Brigade Service established by the controlling authority as contemplated in section 1 of the *Act, 1987*;

"service installation" means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies;

"spraying permit" means a permit issued by the Service in terms of section 134 of these By-laws;

"spraying room" means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III hazardous substances and/or combinations of **Group III hazardous substances**, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and **"spraying booth"** and **"sub-mersion tank"**, as well as any related process involving electrolysis, have a corresponding meaning;

"storeroom" means a room which is constructed, equipped and maintained as contemplated in section 120 of these By-laws;

"storey" means that part of a building which is situated between the top of any floor and the top of the floor next above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any open work floor, catwalk or gallery being taken to be part of the storey in which it is situated); and in relation to a building -

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

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

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

"wheel blocks" means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity; and

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

PART 2

ADMINISTRATIVE PROVISIONS

2. APPLICATION OF THESE BY-LAWS

- (1) These By-laws are applicable to all persons within the area of jurisdiction of the municipality and include both formal and informal sectors of the community and economy.
- (2) Notwithstanding the provisions in either the *Hazardous Substances Act or the Occupational Health and Safety Act, 1993 (Act 85 of 1993)*, and in addition to any other applicable national or provincial law, these By-laws regulate hazardous substances in the area of jurisdiction of the municipality so as to prevent and reduce fire hazards or other threatening dangers.
- (3) The service may, in terms of an agreement as contemplated in section 12 of the said *Hazardous Substances Act or the Occupational Health and Safety Act, 1993* and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in these By-laws, be employed outside the area of jurisdiction of the municipality.
- (4) If any provision in these By-laws vests or imposes any power, function or duty of the municipality in or on an employee of the municipality and such power, function or duty has in terms of section 81(2) of the *Municipal Systems Act, 2000* or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

3. ORGANISATION OF THE SERVICE

- (1) The Service shall be comprised of –
 - (a) the fulltime members of the service, appointed by the Municipality in accordance with section 6 of the Act; and
 - (b) members of the fire brigade service force, appointed by the Municipality in accordance with section 6A of the Act, 1987 as temporary members of the service, to perform such functions as may be assigned to them from time to time by the chief fire officer
- (2) The controlling authority may, subject to section 3(3) of the Act, 1987, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for –
 - (a) preventing the outbreak or spread of fire;
 - (b) fighting or extinguishing a fire;
 - (c) the protection of life or property against a fire or other threatening danger;
 - (d) the rescue of life or property from a fire or other threatening danger;
 - (e) subject to the provisions of the *Health Act, 1977 (Act 63 of 1977)*, the provision of an ambulance service as an integral part of the Service, or;
 - (f) the performance of any other function connected with any of the matter referred to in subsection (1) (a) to (e).

- (3) (a) The Chief Fire Officer is in charge of the Service.
(b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (4) The Chief Fire Officer shall make emergency telephone numbers available to enable any person to report the occurrence of any fire or emergency or to report any hazard to the Service and such telephone numbers must be advertised and otherwise be available to all persons in the area.
- (5) The controlling authority may, in terms of an agreement as contemplated in section 12 of the *Act, 1987*, employ its Service within its area of jurisdiction, against payments of the tariffs determined in accordance with the municipality's tariff policy, or against payments in terms of or on the conditions contained in the agreement concerned.
- (6) The Chief Fire Officer may exercise control over any fire fighting rescue organisation and any fire appliance which is at the scene of a fire or rescue incident whether owned by the Controlling Authority or by any other person, and he/she shall be entitled to make use of any such fireman, volunteer and any fire fighting equipment he/she deems necessary.
- (7) Any member of the Service, including any volunteer and any person referred to sub-section 5 shall, when called upon and directed to do so by the Chief Fire Officer, render such assistance as may be required for the combating of a fire or any other emergency, including any other function allied thereto.
- (8) The Service may be divided into sections as the Controlling Authority may determine and each section shall be under the control of an official appointed by the Controlling Authority or by the person appointed in terms of section 5 of the *Act, 1987* if these powers are delegated to such a person.
- (9) In the cases where the fire brigade may be called upon to operate in the area of another local authority, where such local authority maintains a fire brigade, the officers and equipment of the fire brigade shall come under command of the Chief Fire Officer of that local authority.
- (10) The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

4. PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION

- (1) The Chief fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that –
 - (a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
 - (b) the emergency situation on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 3(5) of these By-laws; and
 - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the *National Archives of South Africa Act, 1996 (Act 43 of 1996)*, and any regulations made under the said *Act, 1996*.
- (2) All persons and/or bodies, including any State Department as contemplated in section 17 of the *Act, 1987*, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees as published in accordance with the municipality's tariff policy, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.
- (4) Media statements regarding the service must be released as prescribed in terms of the communication strategy of the municipality.
- (5) On the occasion of any fire, the Chief Fire Officer or other officer shall attend with such men / women and appliances as he / she may deem necessary and may at his / her discretion avail herself / himself and take command of any person who may voluntarily place their services to his / her disposal.

- (6) Members of the fire brigade whilst proceeding to a fire / incident on any of their machines or vehicle shall have a preferential right of way over all classes of traffic in any street, thoroughfare or open space within the area of jurisdiction of the Controlling Authority.
- (7) The chief fire officer may assume command of, or interfere with, or put a stop to any existing situation or any action being taken in connection with a fire by any person not employed in the service, including the owner of the premises and his or her employee or agent and no person shall fail to comply with any lawful order or direction given by the chief fire officer in the execution of this subsection.

5. IDENTIFICATION AND PRETENDING TO BE A MEMBER

- (1) The Chief Fire Officer and every member of the Service shall wear the uniform, rank markings and insignia as prescribed.
- (2) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.
- (3) No person may falsely present himself/herself as a member or pretend to be a member.
- (4) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, or by furnishing proof of identity within a reasonable period.
- (5) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.
- (6) A member, while performing any function or exercising any power as contemplated in these By-laws must –
 - (a) keep the identification document or mark of appointment provided in terms of subsection (1), on his position; and
 - (b) produce it for inspection on request by any person.
- (7) Any person who contravenes or fails to comply with section is guilty of an offence.

6. POWERS OF MEMBERS AND DESIGNATED OFFICERS

- (1) Every member, including the Chief Fire Officer, has all the powers provided for in the *Act, 1987*.
- (2) A designated officer may –
 - (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these By-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
 - (b) institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be; and
 - (c) seize anything (hereinafter called "**object**") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody- Provided that the seizure does not exempt any person from any other relevant provisions of these By-laws- Provided further that the seizure is, subject to section 20 of the *Act, 1987*, made in accordance with the following conditions-
 - (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
 - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - (iii) After an order issued in terms of the *Act, 1987*, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken excluding fireworks.
- (3) Any officer may seal off any building or premises by temporarily closing building/premises when any one of the following exists:
 - (a) obstructing/hindering the safe escape from the building;
 - (b) fail to provide emergency lights where such lights are required or when operating in the hours of darkness, which will be any time after **18:00**
 - (c) fail to provide fire alarm where such alarm are required
 - (d) fail to provide symbolic signs indicating the direction of escape

Any officer may also temporarily seal off, close any street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion, and the member may remove, using no more force that reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.

- (4) Any person ordered to leave an area closed off in terms of subsection (3), shall forthwith obey such order.
- (5) In addition to any powers under section 8 of the *Act, 1987* a member may give an instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.
- (6) An instruction contemplated in subsection (3) may include, but is not limited to an instruction –
 - (a) for the immediate evacuation of any premises;
 - (b) to close any premises until such time as any contravention of these By-laws has been rectified;
 - (c) to cease any activity;
 - (d) to remove any immediate threat to safety of any person or property;
 - (e) to take specific steps to comply with these By-laws, either immediately or within a specific period; and
 - (f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these By-laws.
- (7)
 - (a) Designated officers must be –
 - (i) suitably trained and certified as law enforcement officers and be appointed as such in terms of *Government Notice R159 of 2 February 1979*, as amended;
 - (ii) appointed as deputy messengers of the court in terms of section 15(2) of the *Magistrates' Courts Act, 1944 (act 32 of 1944)*;
 - (b) All designated officers have the power –
 - (i) in terms of the provisions of section 56, read with section 57, of the *Criminal Procedure Act, 1977 (Act 51 of 1977)*, to issue summons involving a spot fine;
 - (ii) in terms of the provisions of section 341 of the *Criminal Procedure Act, 1977*, to issue spot fines for certain minor offences;
 - (iii) in terms of the provisions of section 44 of the *Criminal Procedure Act, 1977*, to issue a warrant of arrest;
 - (iv) in terms of the provisions of section 41 of the *Criminal Procedure Act, 1977*, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
 - (v) in terms of the provisions of section 54 of the *Criminal Procedure Act, 1977*, to serve summons in order to secure the attendance of the accused in a magistrate's court.
- (8) Any member of a fire brigade or fire brigade service organisation whether it is controlled by the controlling authority or not and subject to the provisions of Section 12 of the *Act, 1987*, shall when called upon to do so by the Chief Fire Officer, render the necessary assistance in combating of a fire or any other emergency situation.
- (9) A member of the Fire Brigade may enter into or upon any premises or any other property and take such action as he may deem expedient for the purpose of extinguishing a fire or preventing it from spreading.
- (10) Any officer of the Fire Brigade shall have the free right of access and liberty to draw or take water from any hydrants, tanks, cisterns, pipes or other supplies, whether on public or private property for the purpose of fighting a fire.

7. DRIVING SERVICE VEHICLES

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

8. DELEGATION

- (1) The Chief Fire Officer may delegate any power granted to in in terms of these By-laws as contemplated in section 19 of the *Act, 1987* or in accordance with the systems of delegation of the municipality developed in terms of section 9 of the *Municipal Systems Act, 2000*.
- (2) A municipal manager may delegate any power granted to him in terms of these By-laws in accordance with the systems of delegation of the municipality developed in terms of section 59 of the *Municipal Systems Act, 2000* to the Chief Fire Officer.

9. OBSTRUCTION AND DAMAGE

- (1) No person shall interfere with, or hinder any official of the service, or any other person acting under the Chief Fire Officer in the execution of his/her duties under these By-laws or the *Act, 1987*.
- (2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose apparatus or any appliance of the service.
- (3) No person shall in any manner whatsoever tamper or interfere with any street hydrant or other appliances used or intended to be used for the prevention or extinction of fire or in connection with the saving of life or property in the event of fire.
- (4) Any person who fails to comply with the provisions of sections (1) to (3) is guilty of an offence

10. MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE

- (1) With the approval of the controlling authority, the Service may, at the request of anybody or person and at the tariffs determined in the payment of tariffs in accordance with the municipality's tariff policy, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
- (2) The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower is required elsewhere for or in connection with an emergency situation.

11. INDEMNITY

- (1) The controlling authority or a member of a service is not liable for damage or loss as a result of bodily injury, loss of life or loss or damage to property or financial loss, which is caused by or arises out of or in connection with anything done or performed in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of these By-laws

12. REMOVAL OF LIQUID OR OTHER SUBSTANCES

- (1) The Chief Fire Officer may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substances, from such premises, subject to payment of the charges set out in the payment of tariffs in accordance with the municipality's tariff policy.
- (2) The Chief Fire Services may at any incident where hazardous material has been involved or spilled, take such actions he/she deems necessary to safeguard the community or the environment either by their conduct or an approved organisation.

13. FALSE INFORMATION

- (1) No person shall wilfully give to any member of the service any notice or furnish any information relating to the outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, withstanding to the provisions of section 147, be liable to pay the turning out charges prescribed in the tariffs in accordance with the municipality's tariff policy

14. TELEPHONES, FIRE ALARMS AND OTHER APPARATUS

- (1) The controlling authority may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to a fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment provided that no sign for the control of traffic be obstructed.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

- (3) Without compensation to the owner of the premises concerned, the Chief Fire Officer may activate –
 - (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.
- (4) The Chief Fire Officer 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.
- (5) No person may render less effective, inoperative, and inaccessible, obstruct or tamper and interfere with a fire hydrant, fire hose reel and any other fire fighting equipment.
- (6) Any person who contravenes subsection (2) and (5) commits an offence.

15. REPORTING OF FIRE HAZARDS AND OTHER THREATENING DANGER

- (1) Upon discovering any evidence of a fire, fire hazard, or other threatening danger pertaining to these By-laws, an owner, occupier or the person in charge of any premises and/or any other person, must immediately notify the Service.
- (2) Notwithstanding that any fire has been apparently extinguished or that any other emergency has been apparently mitigated, any person must report the occurrence of such a fire or other emergency incident to the Service and provide all details appertaining thereto, as requested by the Service.

16. INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPANTS

- (1) Any officer contemplated in section 6 of these By-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.
- (2) Any officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
- (3)
 - (a) Whenever a condition exist or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if cost need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
 - (b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) An order or notice issued under these By-laws must be served either by personal delivery or registered mail upon a person who is in the opinion of the Chief Fire Officer, deemed to be the appropriate person.
- (5) 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.
- (6) An owner or person in charge of the premises, whose rights are affected by any decision of the Chief Fire Officer as contemplated in subsection (1), may appeal against such decision in terms of section 62 of the *Municipal Systems Act, 2000*.
- (7) 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.
- (8) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

PART 3**FIRE PROTECTION AND FIRE-FIGHTING****17. GENERAL**

- (1) The departments within the controlling authority must ensure to abate a contravention of the *National Building Regulations* relating to fire and safety within their respective buildings.

18. COMBUSTIBLE MATERIALS AND REFUSE

- (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire and/or explosion hazard to any person, animal or property.
- (4) No person may use or allowed to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (5) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (6) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazards or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal as determined by the controlling authority.
- (7) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbent must be used for cleaning purpose.
- (8) Where the officer contemplated in section 6 find that the requirements of these By-laws are not complied with, he/she must act in accordance with section 16 of these By-laws and notify the owner, occupier or person in charge of the premises in writing to remove the irregularity.
- (9) Where there has been non-compliance with the requirements of the notice as referred to in subsection (8), that officer may issue a written notice to the transgressor to appear in court in accordance with section 16 of these By-laws and as provided for in Section 54 and 56 of the *Criminal Procedure Act, 1977* as amended.
- (10) Any person who fails to comply with the provisions of sections (1) to (7) is guilty of an offence.

19. MAKING FIRES

- (1) No person may, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property; Provided that this prohibition is not applicable to –
- (a) a fire in an approved, purpose-made stove, fireplace or hearth which is an integral part of a structure;
 - (b) a fire for preparing food on private premises or premises set aside for that purpose; and
 - (c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).
- (3) 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.

- (4) Any person who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (5) The owner or person in charge of the premises used in respect of occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas as to prevent a fire hazard or other threatening danger.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) No person shall in any street or thoroughfare or in a park or open space or in the proximity of any building, whether private or public property, discharge any fireworks or make or cause or suffer any bonfire to be made or burn or cause or suffer any rubbish, shavings or other material of whatsoever description to be burned in such a manner or under such conditions as may endanger life or property or cause a nuisance.
- (12) Any person who fails to comply with the provisions of this section is guilty of an offence.

20. FIRES IN CHIMNEYS, FLUES AND SMOKE DUCTS

- (1) No owner or occupier of any building shall allow soot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a fire hazard.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

21. SMOKING RESTRICTIONS AND DISCARDING OF COMBUSTIBLES

- (1) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and “**No Smoking**” signs complying with **SANS 1186-1**, must be prominently displayed in positions as directed by the controlling authority.
- (2) A person may not remove or damage a “**No Smoking**” sign.
- (3) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (4) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (5) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- (6) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.
- (7) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.
- (8) Any person who contravenes the provisions of this section commits an offence.

22. SAFETY REQUIREMENTS FOR INFORMAL SETTLEMENT AREAS

- (1) In the event of establishment of any authorised informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply-
 - (a) a safety distance of 3 metres between structures shall be maintained;
 - (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks, to serve as access roads.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence

23. SAFETY OF PREMISES AND BUILDINGS

- (1) No person shall-
 - (a) cause or create or allow anybody to cause or create any condition which may cause a fire or emergency situation or which may increase the danger of, or contribute towards the spread of fire or jeopardize or obstruct the escape of persons to a place of safety,
 - (b) allow the use of or tampering with any fire alarm, sprinkler installation system or other fire fighting or fire – detecting equipment and appliances,
 - (c) allow any unsafe working or manufacturing process to be carried out which may create any danger of fire or explosion,
 - (d) allow the storage of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substances in a manner that may cause danger,
 - (e) permits any defective, inferior or an insufficient number of fire appliances or escape routes which is likely to interfere with the extinguishing of a fire or the escape of persons to a place of safety,
 - (f) disconnect or tamper with any water supply which, is installed for the extinguishing of fire unless permission has been granted by the Executive Director- Water and Sanitation, and the Chief Fire Services notified thereof.
 - (g) no person shall do or permit or suffer any act to be done whereby the free use of any fire escape, stairs, passageways or doors in or upon any building or premises is, or is likely to be, obstructed or interfered with in the case of fire.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

24. ELECTRICAL FITTINGS, EQUIPMENT AND APPLIANCES

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

Explanatory Note: Electrical circuit overloads occur when more amperage is put across an electrical wire or circuit than it can handle. For instance, a **#14** wire can safely relay **15 amps** and should be protected by a **15-amp** breaker. Should it be connected to a **20-amp** breaker instead, the breaker will allow **20 amps** of current to flow through a wire that can only carry **15 amps**. The wire and breaker start to heat up and could cause start an electrical fire.

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

25. FLAME-EMITTING DEVICES

- (1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

26. GAS FILLING DEVICES

- (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the Chief Fire Officer, who may impose such conditions as he may require having regard to all the circumstances of the case- provided that such permission shall only be granted after the controlling authority has been indemnified by the said person.
- (2) No person shall keep, store, use or display or permit to be kept, used stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.

- (3) Nothing in this section contained shall be construed as to prevent the use of balloons filled with hydrogen for meteorological or other bona fide scientific or educational purposes.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

27. SOURCES OF IGNITION

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

28. EXITS

- (1) Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exit signs; Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

29. 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.
- (4) Any occupancy trading after hours of darkness or after **18:00** must be provided with emergency lights.
- (5) Any occupancy classified as **A1, A2, A3, A4** and **A5** shall have externally illuminated, or photo luminescent type signage which comply with the relevant requirements of **SANS 1186-1, SANS 1186-3, SANS 1186-5** and **SANS 1464-22**.
- (6) Any person causing a life threatening condition in terms of:
 - (a) Not providing sufficient escape from the building;
 - (b) Not providing emergency lights, fire alarm or sufficient symbolic signs will be guilty of an offence.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

30. DIVISION AND OCCUPANCY SEPARATING ELEMENTS

- (1) 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.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

31. 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 or 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 and stability of a particular class or 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.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

32. TEMPORARY STRUCTURES/TENTS

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in Regulation **A23** of the *National Building Regulations* an applicant must –
 - (a) submit an application in terms of Regulation A2 of the National Building Regulations to the Municipality for the erection and usage of the tent, and
 - (b) submit an application in terms of section 42 of these By-laws to the controlling authority for a temporary fitness 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 in Regulation **T1** of the National Building Regulations must be complied with in the following instances –
 - (i) where the population of a tent exceeds **25 (twenty five)** people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangement and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
 - (d) The population density of a tent must be in accordance with Regulation **A21** of the *National Building Regulations*.
 - (e) No cooking may be carried out in the 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 1186-1**.
 - (i) Lighting and wiring installed in a tent must comply with the requirements set out in **SANS 10142** in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) The Chief Fire Officer may request a rational design for temporary structures which in his opinion such plan should be subjected to the rational design.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

33. ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT

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

34. FIRE PROTECTION REQUIREMENTS FOR PREMISES

- (1) In addition to any other provisions contained in these By-laws, the Building regulations, published under published under **Government Notice R. 574 of 30 May 2008 in Government Gazette No. 31084**, as amended, that is also imbedded in **SANS 10400** and called "**The Application of the National Building Regulations**", and the additional building regulations published for application in the area, are, for the purpose of the enforcement of these By-laws in relation to the fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) If any superfluous water unavoidable spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.
- (3) No high-and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level; Provided that –
 - (a) the access to the transformer room(s) is situated on the outside of the building; and
 - (b) provision is made for adequate access to the transformer room(s) for the fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with to provisions of **SANS 10400; SANS 10087-3; and SANS 10089-1**, the sprinkler system must be planned, designed and installed in accordance with the guidelines of **SANS10287** for automatic sprinkler installations and in consultation with the Service.
- (5) A fire plan as contemplated in Regulation **A9** of the *National Building Regulations*, with symbols as contemplated in Regulation **A10**, must, with the exception of detached dwelling houses, be submitted for all proposed buildings constructed in the area from the date of commencement of these By-laws.
- (6) Every occupancy and/or building shall be classified according to **Table 1** of Regulation **A20** of **SANS 10400** and in the event of any dispute relating to such classification and the corresponding fire protection requirements, the occupancy classification determined by the Chief Fire Officer shall be final.
- (7) Notwithstanding other provisions in these By-laws, approved fire-extinguishers shall be provided in all premises in accordance with the provisions of **Clause 4.37** of **SANS 10400 Part T** and shall comprise any one, or combination of, the following types- Carbon Dioxide, Dry Chemical Powder, Foam and/or Water according to **SANS 1910** or **1151**, as the case may be.
- (8) Approved hose reels complying with **SANS 543** shall be installed in all premises in accordance with the provisions of Regulation **TT34** of **SANS 10400**.
- (9) Approved hydrants complying with **SANS 1128-1** shall be installed in all premises in accordance with the provisions of **Clause 4.35** of **SANS 10400 Part T**.
- (10) Any person who fails to comply with any of the provisions of subsections (2), (3) and (4) or any provisions contained in **Part A, Part K, Part M, Part O, Part T, Part V** and **Part W** of **SANS 10400**, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

35. ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

- (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 Regulation **T1** of the *National Building Regulations*, 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 (forty Five), 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 **4 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 **4 metres** above the fire lane must remain unobstructed.
 - (e) A cul-de-sac that is more than **90 (ninety), metres** in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.
- (4) All premises in the area must be planned, designed and constructed so as to ensure that –
- (a) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines; Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
 - (b) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre of office complex, the dimensions of the opening of the arch must be at least **4, 5m** wide and **4,5m** high with nothing causing an obstruction within of the opening: Provided that if the dimensions of the entrance arch are lesser than stated above, another access or service gate is capable of being opened to **4, 5m**.
- (5) (a) the appropriate street number of every build-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 75mm high and must be visible from the street.
- (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

36. UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT

- (1) The owner of any premises must ensure that –
- (a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the **SABS** as contemplated in **SANS 1475** and registered in terms of **SANS 1475**;
 - (b) portable and mobile fire extinguishers and hose reels are service and maintained in accordance with the provisions of **SANS 10105** and **SANS 1475**;
 - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
 - (d) installations are inspected by a registered person at least every twelve calendar months.
 - (e) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every **12 months** or as otherwise directed.
 - (f) Unless otherwise provided for in a lease contract, any and all occupants of leased premises must provide fire-fighting equipment in terms of Section **T** of **SANS 10400** for the occupancy or building classification as provided in Table 1 of Regulation **A20** of **SANS 10400**.
- (2) If a sprinkler system is required in any building in accordance with **SANS 10400**, **SANS 10087-3** or **SANS 10089-1** it must comply with **SANS 10287**.
- (3) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed –
- (a) in accordance with **SANS 10287**; and
 - (b) in compliance with the requirements of **SANS 10400 (Parts A, K, M, O, T, V and W)** in so far as it relates to fire protection.
- (4) Any person who checks, services, renews, replaces or works on any fixed service installation must –
- (a) on completing the work, certify that the service installation is fully functional; and
 - (b) notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (5) Except for purposes of inspection, service, repair or fire fighting, no person may remove or interfere with any fire fighting equipment or service installation at any premises.
- (6) No person may alter, damage, misuse or render ineffective any fire fighting equipment or service installation at any premises.
- (7) 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 to parties who monitor the fire protection system.

- (8) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the Regulation **T1** of the *National Building Regulations* read in conjunction with a recognised national standard or an applicable international code or standard.
- (9) 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.
- (10) 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 of the premises has received such notice, he must without delay inform the owner accordingly.
- (11) 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.
- (12) 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.
- (13) The person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be securely affixed thereto in a prominent position on which shall be written in ink –
 - (a) the name of the person conducting the examination;
 - (b) the number of his certificate of competence
 - (c) the date of the examination;
 - (d) the condition of the equipment.
- (14) Any person who fails to comply with the provisions of this section is guilty of an offence.

37. EXTRACTOR FAN SYSTEM

- (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with **SANS 1850, (Standard for the design and manufacture of commercial kitchen extractor systems)** and in such a manner as to grant adequate access in a visible manner that is clearly marked for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residue do not accumulate.
- (3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or portable fire hazard to any premises or property.
- (4) No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substances to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

38. RATIONAL DESIGNS

- (1) The construction, design and/or erection of –
 - (a) hangars;
 - (b) helipads;
 - (c) grain silos;
 - (d) atriums;
 - (e) air traffic control towers;
 - (f) towers for communications or other uses where persons are accommodated on a full time base;
 - (g) military structures or buildings where there is a need for special requirements;
 - (h) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds **45 (fourty Five) m**; and
 - (i) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation **T1 (1)** of the *National Building Regulations*.

- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for –
- (a) complies with a rational design as contemplated by the National Building Regulations;
 - (b) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
 - (c) the channelling of any liquid to a drainage area which is effectively connected to a separator well;
 - (d) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
 - (e) earthing devices for discharging static electricity.

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

39. DUMPING SITES

- (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the requirements of the *National Department of Agriculture, Forestry and Fisheries, Water Affairs* and the *National Department of Environmental Affairs*, and those of the Fire Brigade Service.

40. EMERGENCY EVACUATION PLANS

- (1) The owner or occupier of designated premises must –
- (a) within **30 (thirty) days** after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in **Annexure 2** of these By-laws;
 - (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
 - (c) ensure that –
 - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - (ii) updates records of revised emergency evacuation plans, fire protection programmes, evacuation drill related documents are kept and maintained at all times; and
 - (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
 - (d) identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- (2) The Service may from time to time –
- (a) provide directives for updating and/or amending an emergency evacuation plan;
 - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
 - (c) require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
- (3) The 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 (twenty five) 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.
- (4) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (3), 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.
- (5) The emergency evacuation plan must be tested in its entirety at a minimum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (6) The register mentioned in subsection (6) 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.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate and recommendations or remedial actions to improve or rectify deficiencies in the plan.
- (8) 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 emergency evacuation plans must be displayed in a conspicuous position
- (9) The displaying of emergency evacuation plans for any other premises is subject to the approval of the controlling authority.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

41. BARRICADING OF VACANT BUILDINGS

- (1) The owner or person in charge of a building or portion thereof which is vacant, must remove all combustible waste or refuse there from and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

42. CERTIFICATE OF FITNESS FOR ALL PUBLIC PREMISES

- (1) No person may hold a public gathering or allow a public gathering to be held on any premises unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that premises, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building which existed at the commencement of these By-laws, unless after that date –
- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
- (b) ownership or control of the building or structure changes.
- (3) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay fees, as determined in accordance with the municipality's tariff policy, when submitting the application form (the design guidelines appear in **Annexure 1** to these By-laws).
- (4) The controlling authority may request additional information from the applicant.
- (5) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for wither a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the Regulation **A20** of the *National Building Regulations*.
- (6) An application contemplated in subsection (1) must be submitted at least **30 (thirty) calendar days** before any intended public gathering.
- (7) A temporary population certificate is valid for a period not exceeding **30 (thirty) calendar days**.
- (8) No certificate of fitness will be issued for a public building unless the relevant provisions of these By-laws have been complied with.
- (9) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable-
- (a) The trade name and street address of each occupier
- (b) The type of activity of each occupier
- (c) The name of the person on the executive
- (d) The permissible number of people in proportion to the usable floor area
- (e) The number of emergency exits and their widths
- (f) A cancellation clause in the event of any applicable provision of these By-laws being disregarded
- (g) An obligation on the part of the holder of the certificate to –
- (i) display the certificate prominently on the premises at all times; and
- (ii) maintain the certificate in a legible condition at all times

- (h) A date, year and serial number
 - (i) The date of expiry of the certificate.
- (10) Subject to the provisions of section 45 of these By-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these By-laws.
- (11) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
- (12) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority –
- (a) is in possession of a set of plans referred to in section 58 of these By-laws and approved by the Service; and
 - (b) has received the prescribed application from defined in Annexure II to these By-laws, which form has been completed in full and correctly;
 - (c) Unless the building or temporary structure complies with the requirements of these By-laws; and
 - (d) for a period of validity exceeding **12 months**.
- (13) The holder off a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (14) (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result *ipso facto* in the cancellation of the certificate of fitness, including any other authorisation granted in terms of these By-laws.
- (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (15) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in accordance with the municipality's tariff policy, an application for the renewal of the certificate of fitness to the Service on the prescribed form; Provided that if the Service for some reason requires plan of the premises in question for the purposes of the renewal application, the plans must accompany the application.
- (b) The Service may send a reminder in respect of the renewal.
- (16) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent fitness certificate, he must act in terms of these By-laws.
- (17) The temporary or permanent fitness 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).
- (18) The temporary or permanent fitness certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (19) 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.
- (20) 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.
- (21) The Chief Fire Officer may cancel any certificate of fitness in respect or premises or temporary structure if he has reason to believe that –
- (a) the owner or person in charge of the premises concerned contravenes or fails to comply with any provision of these By-laws; or
 - (b) the building or structure contravenes or does not comply with the requirements of these By-laws.
- (22) Subject to subsection (17), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (15), he must –
- (a) give the owner or person in charge of the premises written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
 - (b) give the owner or person in charge of the premises a period of at least **21 (twenty one) days** to make written representations regarding the matter to the municipality.

- (23) A person whose certificate of competence is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for the replacement of such certificate.
- (24) An application in terms of subsection (17) shall be accompanied by an affidavit, as to the circumstances in which the certificate was lost or destroyed, or the damaged certificate, as the case may be, and the prescribed fee.
- (25) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

43. REGISTRATION APPLICATIONS FOR EXISTING PREMISES

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

44. CANCELLATION DENIAL, SUSPENSION OR REVOCATION OF AN APPROVAL OF CERTIFICATE OF FITNESS

- (1) The Chief Fire Officer may cancel any certificate of fitness in respect of a building or temporary structure if he or she has reason to believe that –
 - (a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
 - (b) the building or structure contravenes or does not comply with the requirements of these By-laws.
- (2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must –
 - (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
 - (b) give the owner or occupier concerned a period of at least **20 (twenty) days** to make written representations regarding the matter; and
 - (c) consider and representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in subsection (2) (b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he or she must –
 - (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
 - (b) Provide the owner or occupier a period of at least **20 (twenty) days** to make written representations regarding the cancellation; and
 - (c) consider any representations received.
- (5) The Chief Fire Officer may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the certificate of fitness.

45. PREVENTION AND CONTROL OF OVERCROWDING

- (1) Prior to the usage of a premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a fitness certificate to the controlling authority, as prescribed in the **Annexure 1** of these By-laws.

- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provisions 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 fitness certificate should the premises be used in respect of any other occupancy contemplated in the *National Building Regulations (A20)*.
- (4) A temporary fitness certificate is valid for a period not exceeding **30 (thirty) calendar days**.
- (5) The controlling authority must refuse to issue a temporary or permanent fitness certificate if the premises do not comply with the requirements of Regulation **T1** of the *National Building Regulations*, 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 fitness 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 fitness certificate, it must act in terms of these By-laws.
- (7) The temporary and permanent fitness certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must apply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent fitness 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.
- (11) Any person who fails to comply with the provisions of this section is guilty of an offence.

46. WATER SUPPLY FOR FIRE-FIGHTING

- (1) In any township development, a township developer must provide for water supply for fire-fighting purposes as provided for in **SANS 10090 (Community Protection against Fire)**.
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in **SANS 10090**, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation **A9** of the *National Building Regulations*, to obtain a water connection form, as set out in Annexure II to these By-laws, from the Service, for submission to the Water and Sanitation Division of the controlling authority; Provided that –
 - (a) if the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the seize, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
 - (b) if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in **Part W** of **SANS 10400**, the owner of the premises must provide the required water supply; and
 - (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (10)(a), must be calculated and designed according to the provisions of **Part W** of **SANS 10400** and **SANS 10252-1**.

- (6) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of fire fighting by members of the Service.
- (7) Every person who develops or redevelops a township must ensure that –
- (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire fighting purposes contemplated in these By-laws-
 - (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
 - (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (8) Subsection (2)(c) is deemed to be satisfied, if –
- (a) the water is supplied to the township from more than one reservoir;
 - (b) each reservoir receives water from a separate supply main and pump; and
 - (c) the reservoirs are connected to each other.
- (9) Every person who develops or redevelops a township must ensure that –
- (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system of more than **150 (one hundred and fifty) metres** in any high risk area or for more than **300 (three hundred) metres** in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - (b) if the redevelopment of any township alters the fire risk category of any area in the township, the water reticulation system is adapted without delay so as to comply with the requirements of this section.
- (10) Every person who develops or redevelops a township must ensure that the water supply provides a fire extinguishing stream that is immediately available to members of the Service in an emergency, of the following volume and duration-
- (11) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies as provided for in **SANS 10090**.
- (12) Every person who develops or redevelops a township must ensure that the position of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

47. CONNECTIONS TO WATER RETICULATION SYSTEM

- (1) No person may obtain a water connection to the water reticulation system of the controlling authority unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the Controlling Authority must –
- (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the *National Building Regulations and Building Standards Act, 1977* and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
 - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with **SANS 10400 (Part W)**; and
 - (d) ensure that the water installation upon completion complies with the provisions of **SANS 10252**.

48. FIRE WATER MANAGEMENT

- (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that –
- (a) provides for –
 - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
 - (ii) the discharge of that water directly into a storm water drain;

- (b) prevents any water that may result from fire-extinguishing activities from draining –
 - (i) down any stairway or lift shaft;
 - (ii) down any electrical shaft or telecommunications service shaft;
 - (iii) down any shaft that is connected to a basement level; or
 - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
 - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and
 - (d) complies with the requirements of **SANS 10400 (Part A, K, M, O T, V and W)** insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that –
- (a) the transformer room is situated on the ground level;
 - (b) access to the transformer room is from outside the building; and
 - (c) there is adequate and ready access to the transformer room for fire fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.
- (4) The Chief Fire Officer must in terms of these By-laws abate a contravention of the National Building Regulations relating to fire and safety of buildings and premises.
- (5) Any person who contravenes subsections (1) and (2) or **Parts A, K, M, O, T, V or W of SANS 10400** in so far as it relates to fire protection, commits an offence.

49. REQUIREMENTS FOR EMERGENCY EXISTS

- (1) Every owner of a building must ensure that any escape door in that building –
- (a) is fitted with hinges that open in the direction of escape; and
 - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route –
- (a) is a double swing-type door;
 - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection 2, if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- (5) Where required by the Chief Fire Officer, 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.
- (6) Any occupancy classified as **A1, A2, A3, A4 and A5** as per **SANS 10400** shall have externally illuminated, or photo luminescent type signage which comply with the relevant requirements of **SANS 1186-1, SANS 1186-3, SANS 1186-5 and SANS 1464-22**.
- (7) Any occupancy trading after hours of darkness or after **18:00** must be provided with emergency lights.
- (8) Any person who contravenes subsections (1), (2) and (3) commits an offence.

50. STORAGE OF COMBUSTIBLE SUBSTANCES NEAR FURNACES

- (1) It shall not be lawful for any person to pile, stack or store cut or uncut timber, lath wood, firewood, casks, barrels, boxes or cases or other combustible substances in the same yard or premises, or in any part of the same premises where any furnace is situated, except –
- (a) where the furnace is enclosed in a building or chamber constructed of fire-resisting material; or
 - (b) where there is a distance of not less than 7, 7 m between the furnace and the pile, stack or store of timber, or other combustible substances.
- (2) Any person who contravenes subsections (1) is guilty of an offence.

51. PILING, STACKING OR STORING OF TIMBER AND OTHER COMBUSTIBLE SUBSTANCES

- (1) It shall not be lawful for any person to pile, stack or store timber or any other combustible substance to a height exceeding 4 m from the level of the ground, and every person who shall pile, stack or store any such timber or substance as aforesaid shall pile, stack or store the same in a safe, compact and proper manner.
- (2) (a) (i) Timber and other combustible substances shall be piled, stacked or stored **200 (two hundred) mm** off the ground within stack areas 6 m by 3 m by 4 m high to the satisfaction of the Chief Fire Officer.
- (ii) Each stack shall be separated from adjoining stacks by an unobstructed pathway not less than 2 m in width.
- (iii) Stacks shall be a minimum of 3 m from any boundary wall and 6 m from any building.
- (iv) Individual stacks shall be stacked in a compact and proper manner to the satisfaction of the Chief Fire Officer.
- (b) The entire site shall be enclosed with a brick or pre-cast concrete wall not less than 2, 4 m in height.
- (c) The area between the stacks and boundary wall shall be kept entirely free of any obstruction.
- (d) The entire site shall be kept free of unkempt and overgrown vegetation.
- (3) No person shall pile, stack or store timber or any other flammable substance on sites subject to flooding unless a permit is granted by the Controlling Authority based on the fact that the area to be utilised is above the **1 in 50 (fifty) year flood occurrence level** as determined by the Controlling Authority. The sites subject to flooding shall be those sites as determined from time to time by the Controlling Authority.

52. THATCHED ROOF-CONSTRUCTION

- (1) All construction for thatched roof with a span not exceeding **6 metres** and supported by structural walls must comply with the requirements and methods set out in **SANS 10407**.
- (2) A rational design shall be provided for any thatch roof construction with a span exceeding **6 metres** or where such construction is not supported by structural walls.
- (3) Where, in the opinion of the Chief Fire Officer, any fire in a thatched building will pose an unacceptable risk to any adjacent buildings or property or where its location will result in an increased risk from an external fire, the Chief Fire Officer may prescribe the installation of a sprinkler or drencher system, provided that such system must be automatic in operation.
- (4) Any chimney passing through a thatch roof shall be constructed so that-
- (a) only full **220mm bricks** are used and laid so that the unexposed faces in contact with thatch do not become hot;
- (b) all joints and spaces are properly filled with mortar;
- (c) no wooden building component or decoration is built into or through any chimney;
- (d) the top of any chimney stack must extend at least 1 metre above the highest point of the roof;
- (e) **a spark arrestor comprising a stainless steel wire mesh measuring 10 x 10 x 1 mm** across the full width of the flue shall be fitted not less than **700 (seven hundred) mm** from the top of the stack.
- (5) Any person who contravenes the provisions of this section is guilty of an offence.

PART 4**CONTROL OF FIREWORKS****53. USE OF FIREWORKS PROHIBITED IN CERTAIN CIRCUMSTANCES**

- (1) Any person who wishes to present a fireworks display must apply to the Chief Inspector of Explosives for authorisation. The Chief Fire Officer will provide written comments to the Chief inspector of Explosives.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least **14 days** before the date of the proposed fireworks display.
- (3) No person may present a firework display unless –
- (a) Authorised to do so by the Chief Inspector of Explosives and
- (b) Has a written authorisation from the Chief Fire Officer

- (10) Any person who contravenes the provisions of this section is guilty of an offence.

54. AUTHORITY TO PRESENT FIREWORKS DISPLAY

- (1) The Chief Fire Officer may order the cancellation of any fireworks display-
- (a) should and applicant fail to comply with any of the conditions of approval; and
 - (b) should local conditions dictate that the holding of such display pose a serious risk of fire and safety of the community.

55. DEALING IN FIREWORKS

- (1) No person may deal in fireworks unless –
- (a) that person holds the required firework licence in terms of the Explosive Act; and
 - (b) has the written authority of the Chief Fire Officer.
- (2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) (b), must –
- (a) complete an application in the form and manner determined by the Controlling Authority; and
 - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.
- (4) No informal trader, informal business or business operating from a flea market is allowed to trade in any form of fireworks

PART 5

FIRE BREAKS

56. FIREBREAKS

- (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of –
- (a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –
 - (i) cutting to a maximum height of **150 (one hundred and fifty) mm** above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
 - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
 - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
 - (iv) removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed; and
 - (b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition- Provided that where obstructions occur within the 5 m belt, a 5 m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the *National Veldt and Forest Fire Act, 1998 (Act 101 of 1998)* and the regulations there-under, apply *mutatis mutandis* to the application of this section.
- (4) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer
- (5) Any person who intends to clear or maintain a safety fire-break by burning must –
- (a) apply in writing to the Chief Fire Officer and registered Fire Protection Association where applicable for permission, stipulating the property concerned and the proposed date and time of the burning; and

- (b) unless the burning is to be performed by a person or body accredited for this purpose by the Controlling Authority, request the Service to provide assistance at the burning against payment of the prescribed fee.
- (6) The Chief Fire Officer may recommend the declaration of firebreaks in burning seasons.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART 6

HAZARDOUS SUBSTANCES

57. APPLICATION OF THIS PART

- (1) Notwithstanding the provisions in either the *Hazardous Substances Act* or the *Occupational Health and Safety Act*, this Part regulates hazardous substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

58. APPLICATION FOR APPROVAL OF PLANS

- (1) An application for a certificate of registration in respect of premises shall be submitted to the chief fire officer on the form prescribed in the **Annexure 1** to these By-laws and shall be accompanied by plans as to be submitted in accordance with Regulation **A2** of the *National Building Regulations* of the premises in respect of which the certificate is required. The plans shall indicate the proposed installation or room in which the hazardous or substance is to be stored, used or handled, describe the material with which such installation or room is or is to be constructed, and indicate the position of any pump, storage tank, store, pipeline, dry cleaning machinery, spraying room, spraying booth or ventilating equipment.
- (2) Where the plans relates to existing premises in respect of which a certificate of registration has been issued and wherein it is proposed to make alterations or additions to any building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of a flammable liquid or substance, a ground plan only need to be submitted for approval. Such ground plan shall be drawn to a scale of not less than **one in a hundred (1-100)** and shall show such additions or alterations in relation to the existing buildings or equipment or apparatus.
- (3) Every application for a certificate or registration for purposes of the storing, dealing using hazardous substances shall be submitted to the Chief Fire Officer on the form provided in **Annexure 1** of these By-laws.
- (4) Subject to the provisions of the *National Building Regulations and Building Standards Act, 1977*, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
- (5) The prescribed fees payable to the Service for the approval of plans are determined in accordance with the municipality's tariff policy, but these fees do not include the fees charged by the Building Control Officer for the approval of plans.
- (6) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.
- (7) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (9) The provisions of section 23 of the *National Building Regulations and Building Standards Act, 1977*, are applicable to the approval of plans as regulated in this section.
- (10) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or constructions have not been erected in accordance with the approved plans.

- (11) Any fire official may, for any purpose related to compliance with or the application of these By-laws enter upon any premises whatsoever, and make such examination and enquiry thereon as he may deem necessary.
- (12) The owner or occupier of premises or in their absence, any other person employed thereon, shall upon demand, disclose to a Fire Official the presence of any flammable liquid or substance in or upon such premises and shall answer all enquiries relating either to the observance of these By-laws or to any condition in connection with the certificate of registration in respect of the premises.
- (13) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

59. ISSUING OF CERTIFICATES OF REGISTRATION

- (1) The owner or person in charge of the premises, who requires a hazardous substance certificate, must submit an application to the controlling authority as prescribed in the **Annexure 1** of these By-laws.
- (2) The local authority may request additional information from the applicant.
- (3) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for **Annexure 1** to these By-laws and issued in respect of the specific quantities and appropriate devices on approved premises; Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this section are not applicable:

Group I-	Explosives	
	Fireworks	No exemption
Group II-	Gases	
	2.1 Flammable gases	Total cylinder capacity may not exceed 100Kg
	2.2 Non-flammable gases	Total cylinder capacity may not exceed 333Kg
	2.3 Toxic gases	No exemption
GROUP III-	Flammable liquids	Total quantity may not exceed 100 Litre
	3.1 With flash points ≥ 18 °C	
	3.2 With flash points > 18 °C but ≤ 23 °C	Total quantity may not exceed 420 Litre
	3.3 With flashpoints > 23 °C but ≤ 61 °C	Total quantity may not exceed 1 100 Litre
	3.4 With flash points > 61 °C but ≤ 100 °C	Total quantity may not exceed 1 100 Litre
Group IV-	Flammable solids	
	4.1 Flammable solids	Total quantity may not exceed 250 Kg
	4.2 Pyrophoric substances	No exemption
	4.3 Water-reactive substances	No exemption
Group V-	Oxidising agents and organic peroxides	
	5.1 Oxidising agents	Total quantity may not exceed 200 Kg
	5.2 Group I organic peroxide in packets	No exemption
	5.3 Group II organic peroxides in packets	Total quantity may not exceed 200 Kg
Group VI-	Toxic/infective substances	
	6.1 Group I toxic substances in packets	Total quantity may not exceed 5 Kg
	6.2 Group II toxic	

	substances in packets	Total quantity may not exceed 50 Kg
	6.3 Group III toxic substances in packets	Total quantity may not exceed 500 Kg
	6.4 Infective substances	No exemption No exemption
Group VII-	Radioactive materials Nuclear Energy Regulator Competency for Certification	
Group VIII-	Corrosive/caustic substances	
	8.1 Group I acids in packets	Total quantity may not exceed 50 Kg
	8.2 Group II acids in packets	Total Quantity may not exceed 200 Kg
	8.3 Group III acids in packets	Total quantity may not exceed 1 000 Kg
	8.4 Group I alkaline substances in packets	Total quantity may not exceed 50 Kg
	8.5 Group II alkaline substances in packets	Total quantity may not exceed 200 Kg
	8.6 Group III alkaline Substances in packets	Total quantity may not exceed 1 000 Kg
Group IX-	Miscellaneous substances	
	9.1 Liquids	Total quantity may not exceed 210 Litre
	9.2 Solids	Total quantity may not exceed 210 Kg

- (4) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these By-laws have been complied with and a written application for registration, on the prescribed form, as described in **Annexure 3** to these By-laws, has been submitted to the Service, together with the fees prescribed in accordance with the municipality's tariff policy.
- (5) A certificate of registration may be issued subject to such conditions as deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and taking into account the maximum amount of each class of flammable liquid or substance which may be manufactured, stored, used, sold or handled and the number of pumps, storage tanks and stores permitted on the premises and, in the case of vehicles, the maximum quantity and class of flammable liquid or substance which such vehicle shall be permitted to carry.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate –
- (a) must at all times be displayed in a weather-proof container in a conspicuous place on the premises designated by a member of the Service;
 - (b) must be maintained in a legible condition at all times;
 - (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
 - (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
 - (e) must reflect the number of storerooms and the total capacity of each storeroom;
 - (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
 - (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
 - (h) must reflect a serial number;
 - (i) must indicate whether the issue of such certificates is permanent or temporary;
 - (j) must reflect the period of validity and the expiry date of the certificate- Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
 - (k) is not transferable from premises to premises;

- (l) must, subject to the provisions of section 66 of these By-laws, be transferable from owner to owner and/or from control to control on the same premises- Provided that –
 - (i) application for such transfer is made to the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service;
- (m) will not be issued unless the Service is in possession of a set of approved plans as required by section 65 of these By-laws; and
- (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7) (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of hazardous substances and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- (b) The Service will approve an application only if the proposed amendments comply with the provisions of these By-laws.
- (c) If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.
- (8) A hazardous substances certificate must be renewed annually, on or before the date as indicated on the hazardous substance certificate, and whenever the quantity or class of the hazardous substance requires to be changed.
- (9) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (10) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (11) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.
- (12) A certificate of registration –
 - (a) may not be issued by the Chief Fire Officer for a period exceeding **12 months**;
 - (b) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.
- (13) A certificate of registration is valid only for –
 - (a) the installation for which it was issued;
 - (b) the state of the premises at the time of issue; and
 - (c) for the quantities of hazardous substance stated on the certificate.
- (14) If alterations and additions are approved and the work has been executed in accordance with the ground plan approved under that subsection, a new certificate or registration shall be issued in respect of the premises and the old certificates shall be deemed to have been cancelled.
- (15) The chief fire officer must keep record of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.
- (16) The safekeeping of all relevant records and documents pertaining to the service must be in accordance with the provisions of the National Archives and Record Service of South Africa Act.
- (17) A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function in respect of the service must be made in accordance with the provisions of the Promotion of Access to Information Act.

60. AMENDMENT TO CERTIFICATE OF REGISTRATION

- (1) The Chief Fire Officer may amend any certificate of registration on application by the holder.

61. CANCELLATION OF CERTIFICATE OF REGISTRATION

- (1) The provisions of section 59, read with the relevant sections, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

62. SUSPENSION OR CANCELLATION OF CERTIFICATES OF REGISTRATION

- (1) Where a holder of a certificate of registration has been convicted for a contravention of these By-laws on two or more occasions, the Chief Fire Officer may either cancel the certificate of registration or may suspend it for such period as he may decide and during the period of suspension the holder shall not do anything which the certificate otherwise authorises him to do, provided, however, that the powers conferred by this section shall not be exercised unless and until fourteen (14) days written notice has been given to the holder by the Chief Fire Officer of his intention to cancel or suspend the certificates.
- (2) The holder may within the said period of fourteen (14) day submit written representations for consideration.

63. RULES TO BE OBSERVED ON PREMISES NOT LIABLE FOR REGISTRATION

- (1) No person shall store, use or handle or cause, allow or permit to be stored, used, or handled any flammable liquid or substance on any premises not liable for registration unless such flammable liquid or substance is stored, used or handled in such a position or in such a manner that –
 - (a) no flammable liquid or substance or its vapour accidentally comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such flammable liquid or substance or its vapour.
 - (b) in the case of fire, the escape of persons or animals will not be prevented or impeded.
- (2) No person shall use or handle or cause, allow or permit to be used or handled any flammable liquid or substance on unregistered premises, except in such a place in the open air as will prevent the accumulation of vapour or its ignition, or in a room with ventilation which is adequate to remove the fumes there from and effectively prevent the accumulation of fumes therein.
- (3) No person shall store or issue or permit flammable liquids or substances to be stored except in a substantial container which shall be kept securely closed when not in immediate use.

64. SUPPLY OF HAZARDOUS SUBSTANCES

- (1) No person may –
 - (a) supply more hazardous substances than the quantities referred to in section 59 (3) of these By-laws to any premises not liable for registration, or have them supplied or permit them to be supplied;
 - (b) deliver or supply more hazardous substances than the quantity specified in the applicable certificate of registration or hazardous substances of a group other than specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.
- (3) Every person who delivers dangerous goods must ensure that –
 - (a) a **9 kilogram** dry chemical fire-extinguisher is available at all times during the delivery;
 - (b) during any transfer of dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - (c) while delivering –
 - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
 - (ii) the delivery vehicle is not parked on or across a pavement or a road;
 - (iii) no delivery hose lies on or across a pavement, road or other premises;
 - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of this Part and the provisions of **SANS 10263**;
 - (e) any device connected with, or used for, the delivery of the dangerous goods is designed for its purpose; and
 - (f) no dangerous goods are spilled during delivery.
- (4) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, vessel, ship or boat while its power source is in operation.
- (5) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

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

65. EXEMPTIONS

- (1) Notwithstanding anything to the contrary in these By-laws –
- (a) flammable liquids are not deemed to be stored, handled or transported whenever liquids are, for normal use, in the fuel tank of a motor vehicle;
 - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine; Provided that the volume of the fuel tank does not exceed **1 100 litre** and the fuel tank is surrounded by a liquid proof bound wall, volumetrically be capable of containing the maximum proposed quantity of liquid, plus **10%** of the volume of the tank.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

66. RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION

- (1) Any holder of a certificate of registration or spraying permit must, submit an application for renewal of the certificate or permit at least one calendar month before it's expiry date, to the Service on the prescribed form, which form must be accompanied by the fees as prescribed in accordance with the municipality's tariff policy: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

67. TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES

- (1) The Service may grant a temporary certificate of registration for a period of not more than **6 (six)** months to any person who, for bona fide reasons, requires more hazardous substances on the premises that the quantities contemplated in section 59(3) of these By-laws- Provided that –
- (a) if the hazardous substance are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to **14 000 (fourteen thousand) Litre**;
 - (b) in respect of small fleet maintenance on research purposes, if the volume of the flammable substance does not exceed **4 400 (four thousand four hundred) litres**; and
 - (c) an application is submitted on the prescribed form, accompanied by the fees prescribed in **Annexure 1** to these By-laws, together with the plans required by section 58 of these By-laws; and
 - (d) the entire installation must comply with **SANS 10131**, and
- (2) Any person whose application for a temporary storage tank is approved must ensure that the storage tank is surrounded by a liquid-proof bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus **10%** of the volume of the tank;
- (a) the rated capacity of a permanent or temporary tank must provide sufficient ullage and spare capacity to permit expansion of the product contained therein by reason of the rise in temperature during storage.
 - (b) 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.
 - (c) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (d) the storage tank is not erected within **5 m** of any erf or lot boundary, building, excavation, road and/or driveway;
 - (e) no source of ignition or potential ignition is brought within **5 m** of the storage tank;
 - (f) symbolic signs prohibiting smoking and open flames, at least **300 mm x 300 mm** in size, are affixed to all sides of the temporary installation, and
 - (g) a minimum of two **9kg** dry chemical fire extinguishers are installed within 10m of the temporary installation.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

68. PERMANENT ABOVE GROUND STORAGE TANKS FOR FLAMMABLE LIQUIDS

- (1) In addition to any other requirement of this Part, the owner or person in charge of an above ground storage tank for flammable liquids must ensure:
- (a) that the tank is erected or installed:
 - (i) in accordance with **SANS 10131 and SANS 10089-3**;
 - (ii) at least **3,5 metres** from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;

- (b) that the flammable liquid stored in the tank must be clearly identified by means of **Hazchem placards** contemplated in **SANS 10232-1**.
- (2) Any electrical installation associated with the storage tank must comply with **SANS 10108** and **SANS 10089-2**.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

69. STORAGE AND USE OF A 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 building plan to the controlling authority, as contemplated in section 58 and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground 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 **SANS 10089-3** 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.
- (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) The owner or person in charge of the premises may not store or use hazardous substances in excess of the quantities as provided for in section 59(3) of these By-laws, unless he/she has obtained a hazardous substance certificate from the controlling authority.
- (7) The design requirements and construction of an underground storage tank must be in accordance with **SANS 10089-3**.

70. BULK STORAGE DEPOT FOR FLAMMABLE SUBSTANCES

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with Regulation T1 of the National Building Regulations read with **SANS 10089-1**.

71. SMALL INSTALLATIONS FOR LIQUEFIED PETROLEUM GAS

- (1) Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding **500 (five hundred) litres** and a combined water capacity not exceeding **3 000 (three thousand) litres** per installation must be installed and handled in accordance with **SANS 10087-1**.

72. BULK STORAGE VESSEL FOR LIQUID PETROLEUM GAS

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

73. DELIVERY OF HAZARDOUS SUBSTANCES

- (1) Any person delivering hazardous substances to any supplier or user –
- may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
 - may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
 - must ensure that, while delivering, a **9 kg** dry chemical fire extinguisher is ready at all times;
 - must ensure that, during the transferral of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
 - must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and

- (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the specific purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

74. PROHIBITION OF CERTAIN ACTIONS

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

75. COMBUSTIBLE OR FLAMMABLE SUBSTANCES AND SWEEPING COMPOUNDS

- (1) Notwithstanding anything to the contrary contained in any other by-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.

76. "NO SMOKING" SIGNS

- (1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display symbolic signs prohibiting smoking and

open flames, as the case may be. These signs must conform to **SANS 1186** and be of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.

- (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.
- (6) Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.
- (7) Any person who disregards the prohibiting in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.

77. FIRE-FIGHTING EQUIPMENT

- (1) Notwithstanding anything to the contrary in these By-laws, the person to whom the certificate of registration in terms of section 59 of these By-laws and/or spraying permit in terms of section 135 of these By-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with –
 - (a) portable fire extinguishers, as specified in **SANS 1567 (carbon dioxide type), SANS 1910 (dry chemical power, foam and water types) and SABS 1571 (transportable type)**, of a minimum capacity of **9 kg or 9 Litre**, as the case may be, in a ratio of one fire extinguisher to every **100 (one hundred) m²** or part of it; Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
 - (b) hose reels, as specified in **SANS 543 (hose reel)**, connected to a water supply as reflected in **Part W of SANS 10400**, enabling each hose reel to maintain a flow of **0, 5 Litre** per second at a work pressure of **300 (three hundred) kPa**.
 - (c) fire hydrants, with couplings as specified in **SANS 1128-2 (Fire fighting equipment – Couplings)**, in a ratio of at least one to every **1 000 (one thousand) m²** or part of it; and
 - (d) approved sprinkler systems in any above-ground facility, of which the capacity is **9m³** or larger, with the exception of temporary storage facilities as referred to in section 67 of these By-laws, and installed in positions indicated on the plans referred to in section 65 of these By-laws.
- (2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may –
 - (a) specify the type of fire extinguisher to be installed;
 - (b) require that a greater number of fire extinguishers be installed; and
 - (c) require that a fire detection or warning system be installed.
- (3) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of **SANS 0105** and **SANS 1475** at least once every twelve months to the satisfaction of the Service.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (2).
- (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 (2), 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 1475-1** 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.
- (9) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance of **SABS 1186** and to the satisfaction of the Service.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

78. REPORTING OF FIRES, ACCIDENTS AND DUMPING

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

79. SAMPLING

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

80. ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE

- (1) No person may enter or permit any other person to enter any storage tank which contained **Group III hazardous substances**, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in **SANS 10089-1**, as amended.
- (2) No person may enter any storage tank which contained **Group III** hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) No person shall carry out or permit to be carried out any repair or alteration of or perform any work on any used container until all flammable liquid and flammable liquid vapour have been removed from such container: Provided that in the case of faulty liquefied petroleum gas cylinder, no attempt at repair shall be made and the owner of the person having possession of the cylinder shall ensure that it is treated as described in **SANS 10019**.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

81. INSTALLATION, ERECTION, REMOVAL AND DEMOLITION

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure 1 to these By-laws.

- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these By-laws: Provided that the provisions of this section are not applicable whenever –
 - (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith –
 - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (4)
 - (a) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 58 of these By-laws, is made again.
 - (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying/dry cleaning room permit and/or certificate of registration in accordance with the provisions this Part.
- (5) 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 (thirty) days** of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within **6 (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.
- (6) 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.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

82. STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

- (1) The owner or user of any storage tank and/or related device that has become absolute must, in accordance with the provisions of section 88 of these By-laws, remove the tank or device or have the tank or device removed as provided for in applicable provisions in the *National Environmental Management Act (NEMA), 107 of 1998*, and related sectorial acts.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

83. GROUP I HAZARDOUS SUBSTANCES

- (1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of **SANS 10228, 10229, 10231, 10232 and 10263, the Explosives Act, 1956 / 2003**, as the case may be.
- (2)
 - (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.
 - (b) The Chief Fire Officer may impose any fire protection measures he/she deems necessary according to circumstances in question.
- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Inspector of Explosives and the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this section is guilty of an offence, and the explosives or fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.

84. GROUP II HAZARDOUS SUBSTANCES

Portable containers

- (1) All portable metal containers and related devices for **Group II hazardous substances** must be manufactured, marked, maintained, filled and stored in accordance with the provisions of **SANS 10019, SANS 10228, SANS 10229** and **SANS 10238**, as the case may be.
- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of **SANS 10228, SANS 10229, SANS 10238, SANS 10019** and **SANS 10087-1 to 10**, as the case may be.
- (3) All portable containers for **Group II hazardous substances** must at all times be transported, stored and/or installed in a vertical position.

Bulk containers

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

Flammable gas

- (5)
 - (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
 - (b) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 litre inside a private dwelling (**H3, H4** and **H5** occupancy classification in terms of Regulation **A20** of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes.
- (6)
 - (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen balloons indoors, for whatever purpose.
 - (b) In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of **SANS 10238**: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the device.
- (8) The installation of underground pipelines within the area for any **Group II** hazardous substance, and branches or manifolds or pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 57 to 78 as applicable of these By-laws.

Underground pipelines

- (9) Any underground pipeline for a **Group II** hazardous substance must comply with the following requirements-
 - (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least **1 600 (one thousand six hundred) litre per minute** at a work pressure of **300 (three hundred) kPa**, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
 - (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - (d) The installation and extension of the pipeline and/or branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognized standard approved by the Chief Fire Officer.
 - (e) No construction work above or below the ground may be done within **16 m** of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

85. GROUP III HAZARDOUS SUBSTANCES

- (1) No person shall store or cause or permit to be stored **Class III** flammable liquid in any room or building except in sealed containers and the capacity of such substance does not exceed the capacity mentioned in **A20** of **SANS 10400**.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

86. INSTALLATION OF STORAGE TANKS

- (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of **SANS 10400**; **SANS 10089-1, 2** and **3**; **SANS 10131**; **SANS 10108** and **SANS 10086**, as the case may be- Provided that –
 - (a) all storage tanks installed indoors must be installed in accordance with the provisions of **SANS 10131**;
 - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
 - (c) all installations, as contemplated in subsection (1)(a) and (b), are subject *mutatis mutandis* to the provisions of section 58 and 59 of these By-laws, as the case may be; and
 - (d) all above-ground storage tanks with a total capacity exceeding **200 000 (two hundred thousand)L** must be installed in bulk depots only, except those storage tanks contemplated in section 67 of these By-laws.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

87. SMALL INSTALLTIONS FOR LIQUIFIED PETROLEUM GAS

- (1) Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding **500 (five hundred)** litres and a combined water capacity not exceeding **3 000 (tree thousand)** litres per installation must be installed and handled in accordance with **SANS 10087-1**

88. INSPECTION OR PREMISES AND INSTALLATIONS

- (1) The person responsible for the installation or erection of any pump, storage tank, filling device, dry cleaning room, store, spraying room or other equipment or premises intended for the storage, use or handling of hazardous substance, shall notify the Chief Fire Officer in writing upon completion of installation or erection.

89. USE, HANDLING AND STORAGE OF LIQUEFIED PETROLEUM GAS

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that are exempted in section 59, unless –
 - (a) the person is in possession of a certificate of registration contemplated in section 59; and
 - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of **SANS 10087-1, 3, 7** and **10**.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in **SANS 10087- 1, 3, 7** and **10**.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with **SANS 10087-7**.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application of permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.
- (6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing and liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).
- (8) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with **SANS 10087-1** and **SANS 10019**.

- (9) A liquid petroleum gas container must be used in such a manner as to prevent damage or leakage of liquid or vapour there from.
- (10) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with **SANS 10087-7**.
- (11) Any person who fails to comply with the provisions of this section is guilty of an offence.

90. USE, HANDLING AND STORAGE OF HAZARDOUS SUBSTANCES PROHIBITED IN CERTAIN CIRCUMSTANCES

- (1) Subject to the provisions of subsection (3), no person may use, handle or store any hazardous substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the chief fire officer in respect of that hazardous substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the hazardous substance concerned is of any class and does not exceed the quantities as provided for in section 59.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance –
- (a) is used, handled or stored in a manner that ensures that –
 - (i) no flammable substance nor any flammable substance vapour come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
 - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
 - (b) is used, handled or stored –
 - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
 - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas;or
 - (c) the flammable substance is stored in strong, gas-tight and labelled containers
- (4) Any person who contravenes subsections (1) and (3) commits an offence.

91. TERMINATION OF STORAGE AND USE OF HAZARDOUS SUBSTANCES

- (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a hazardous substance, the owner or person in charge of the premises on which the installation is located, must—
- (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
 - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within **30 (thirty) days** of the cessation;
 - (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within **180 (one hundred and eighty) days** of the cessation; and
 - (d) to the satisfaction of the chief fire officer, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of **7 days** of completing such removal.
- (2) Before any storage tank which is no longer required for use as such is removed, the following steps shall be carried out successively-
- (a) all flammable liquid shall be removed from the tank and from connecting pipes;
 - (b) the suction, filler, vent and dipping hole pipes shall be disconnected;
 - (c) the tanks shall be rendered thoroughly airtight after disconnecting all pipes by blanking off all flanges and screwing in metal gas plugs onto any sockets in the tank. All leakage holes shall be plugged with lead or hardwood plugs.
- (3) If an underground storage tank which is no longer required for use as such is not to be removed in terms of subsection (1), the owner of such tank shall cause it to be filled with sand, liquid concrete or such other substance as provided for in **SANS 10089-3**.
- (4) If a tank is to be disposed of as scrap, it shall before disposal be retested for explosive vapours and, if necessary, rendered gas-free and a sufficient number of holes or openings shall be made in such tank so as to render it unfit for future use.
- (5) Any person who contravenes this section is guilty of an offence.

92. STORAGE TANKS IN BASEMENT

- (1) A basement storage tank shall have a capacity not exceeding **1 500 (one thousand five hundred) Litres** and the person to whom authority has been given for that installation, shall comply with all conditions given in terms of that authorisation.

93. CAPACITY OF UNDERGROUND STORAGE TANKS

- (1) The capacity of any underground storage tank, if not within a bulk depot or an aerodrome or landing ground used by aircraft, shall be in accordance with **SANS 10089-3**.

94. VENTILATION OF UNDERGROUND STORAGE TANKS

- (1) The holder shall ensure that every underground storage tank installed on the premises in respect of which a certificate of registration has been issued has a ventilation pipe in accordance with **SANS 10089-3**.

95. UNDERGROUND STORAGE TANKS FOR FLAMMABLE LIQUIDS

- (1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must insure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with **SANS 10400**, **SANS 10089-3** and **SANS 10131**.
- (2) Any person who contravenes this section is guilty of an offence.

96. POSITION OF PUMPS

- (1) No pump or other device used or intended to be used for the issue or transfer of flammable liquid to or from any vehicle shall be erected or situated in such a position that the hose thereof can be used for the issue or transfer of flammable liquid on or across any public street or public place.
- (2) No person shall cause, allow or permit the issue or transfer of flammable liquid to or from a vehicle by means of a pump or other device except while within the premises on which the pump or device is situated.
- (3) Any person who contravenes this section is guilty of an offence.

97. PUMPS ON RAMPS

- (1) Pumps or other devices used or intended to be used for the issue of flammable liquid to motor vehicles or containers shall not be erected on any ramp or within 6m of the beginning or top of the ramp and shall in all cases be erected on level ground.
- (3) Any person who contravenes this section is guilty of an offence.

98. DIPPING STICKS

- (1) Dipping sticks shall be made only of wood or brass or other non-ferrous metal or alloy.

99. PUMP HOSES

- (1) No person shall deliver flammable liquid or permit it to be delivered from any pump to the fuel tank of any vehicle except through sound hose having an earthing wire in its construction which is effectively attached to the metal of the pump and to the metal hose nozzle and, except at an aerodrome or landing ground used by air crafts, no hose attached to any such pump shall exceed **4, 5 m in length** when measured from the pump to the tip of the nozzle.
- (2) Any person who contravenes this section is guilty of an offence.

100. SITUATION OF PUMPS AND THEIR FILLING PIPES

- (1) Every filling pipe inlet and every pump, except where used for manufacturing purposes, shall be –
- (a) at surface level;
 - (b) installed in such a position that it would not impede the escape of any person or animal from the premises in the case of fire;
 - (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during filling operations or otherwise.

- (2) Any person who contravenes this section is guilty of an offence.

101. MAINTENANCE OF TANKS, PIPELINES, PUMPS AND OTHER EQUIPMENT AND FITTINGS

- (1) The holder shall ensure that in respect of the premises for which a certificate of registration has been issued to him all storage tanks, pipelines, pumps, machinery and other equipment and fittings for the storage, use or handling of flammable liquid or substance are –
- (a) of sound and proper construction;
 - (b) so installed and fixed as not to be unnecessarily exposed to damage;
 - (c) effectively electrically earthed;
 - (d) free from leakage of flammable liquids and, as far as is reasonably possible, free from leakage of flammable liquid vapour, except by means of a vent pipe;
 - (e) maintained in a good and proper order and are at all times in accordance with the provisions of these By-laws;
- (2) All pipelines between a storage tank and a pump shall be below ground level.
- (3) All electrical earth connections required under these By-laws shall be examined once every twelve months by a qualified person, who shall enter in a suitable book, supplied by the occupier of the premises and kept solely for that purpose, the effectiveness and conditions of such earth, his name and address and the date of examination. All such entries shall be signed by such qualified person.
- (4) All work on flammable liquid installations is to be carried out by a qualified person as defined in the applicable South African National Standard.
- (5) Any person who contravenes this section is guilty of an offence.

102. FILLING OF CONTAINERS

- (1) No person shall fill a container with **Class 2 flammable gas** or **Class 3.1 or 3.2 flammable liquid** other than in a room or building constructed of non-combustible materials and used solely for such purpose, which room or building shall be adequately ventilated or in the open air at a distance of not less than **15 m** from any fire, flame, naked lights, or other agency likely to ignite flammable liquid or its vapour.
- (2) No person shall fill a container with **Class 2 flammable gas** or cause or permit it to be filled except in accordance with the requirements of **SANS 10087-7**
- (3) A person who fills a container with **Class 2 flammable gas** or **Class 3.1, or 3.2 flammable liquid** shall ensure that both it and the container from which it is filled are properly earthed.
- (4) Any person who contravenes this section is guilty of an offence.

103. QUANTITY IN CONTAINERS

- (1) No container shall be filled with flammable liquid to more than ninety seven and a half percent (**97,5%**) of its capacity: Provided that in the case of liquefied petroleum gas, containers shall not be filled more than eighty percent (**80%**) of their capacity.
- (2) Any person who contravenes this section is guilty of an offence.

104. CONTAINER HANDLING AND STORAGE

- (1) Every hazardous substance container must—
- (a) be kept closed when not in use;
 - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every hazardous substance container must be labelled and marked with words and details indicating the substance contained in the container as well as any hazard associated therewith.
- (3) No person may extract hazardous substances from a container of a capacity exceeding 200 (**two hundred**) litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty hazardous substance container must be stored in a dedicated hazardous substances storeroom.

- (5) Notwithstanding the provisions of subsection (4) the chief fire officer may permit the storage of any empty hazardous substances container in the open air if no storeroom is available and if he is satisfied that—
- (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
 - (c) the fence supports are of steel or reinforced concrete;
 - (d) the storage area has an outward opening gate that is kept locked when not in use;
 - (e) when the floor area exceeds 10m² an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than **100 (one hundred)** litres of **class 3.1** and/or more than **210(two hundred and ten) litres of class 3.2I and class 3.3 combined**, such flammable and combustible liquids must be stored in a store room.
- (7) Any person who contravenes subsections (1), (2), (3), (4) and (6) commits an offence.

105. CONTAINERS AFTER DELIVERY

- (1) No person who has taken delivery of any flammable liquid in containers in excess of the quantity stated in section 59 shall cause or permit such containers to remain unattended in any place other than a store for a longer period than may reasonably be necessary. In the case of portable containers filled with liquid petroleum gas which are stored for the retail market, the holder of a certificate of registration in respect of premises shall ensure that storage of such containers complies with the requirements of **SANS 10087-7**.
- (2) Any person who contravenes this section is guilty of an offence.

106. STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS

- (1) No person shall store or handle liquefied petroleum gas or construct or assemble an installation for the storage and distribution of liquefied petroleum gas except in accordance with the requirements of **SANS 10087-7** and in accordance with the provisions of **SANS 10019**.
- (2) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with **SANS 10087-1** and **SANS 10019**.
- (3) No person shall cause or allow more than **19 kg** of liquefied petroleum gas to be kept or stored in any building and for the purpose of this provision any container for liquefied petroleum gas found in any building shall be deemed to be full until the contrary is proved.
- (4) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour there from.
- (5) A liquid petroleum gas container of a capacity not exceeding **nine (9) kg** must be filled and stored in accordance with **SANS 10087-7**.
- (6) Any person who contravenes this section is guilty of an offence.

107. STORAGE OF EMPTY CONTAINERS

- (1) No person shall place or keep any used empty container or cause or permit any used empty container to be placed or kept in any part of any premises other than a store- Provided, however, that –
- (a) such a container may be stored in the open air at a distance of not less than **6 m** from any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour.
 - (b) no person shall cause or allow any used empty container to remain in or on any public street or public place.
- (2) The person who stores used empty containers in terms of subsection (1) shall at all times ensure that they are securely closed with a bung or other suitable stopper.
- (3) The holder of a certificate of registration in respect with any premises shall ensure that the storage of filled liquefied petroleum gas containers and empty cylinders shall be in accordance with the requirements of **SANS 10087-7**.

- (4) Any person who contravenes this section is guilty of an offence.

PART 7

TRANSPORT PERMITS, AS WELL AS TRANSPORTATION AND CONSTRUCTION OF VEHICLES

108. EXCEPTIONS WITH REGARD TO TRANSPORT PERMITS

- (1) Subject to the provisions of section 110 of these By-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said section 110.

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

Group I-	Explosives other than Fireworks	No exemption
	Fireworks	500 Kg
Group II-	Gases	
	2.1 Flammable gases	Total cylinder capacity may not exceed 100Kg
	2.2 Non-flammable gases	Total cylinder capacity may not exceed 333Kg
	2.3 Toxic gases	No exemption
GROUP III-	Flammable liquids	Total quantity may not exceed 100 Litre
	3.1 With flash points ≥ 18 °C	
	3.2 With flash points >18 °C but ≤ 23 °C	Total quantity may not exceed 420 Litre
	3.3 With flashpoints >23 °C but ≤ 61 °C	Total quantity may not exceed 1 100 Litre
	3.4 With flash points >61 °C but ≤ 100 °C	Total quantity may not exceed 1 100 Litre
Group IV-	Flammable solids	Total quantity may not exceed 250 Kg
	4.1 Flammable solids	No exemption
	4.2 Pyrophoric substances	No exemption
	4.3 Water-reactive substances	No exemption
Group V-	Oxidising agents and organic peroxides	Total quantity may not exceed 200 Kg
	5.1 Oxidising agents	No exemption
	5.2 Group I organic peroxide in packets	Total quantity may not exceed 200 Kg
	5.3 Group II organic peroxides in packets	
Group VI-	Toxic/infective substances	Total quantity may not exceed 5 Kg
	6.1 Group I toxic substances in packets	Total quantity may not exceed 50 Kg
	6.2 Group II toxic substances in packets	Total quantity may not exceed 500 Kg
	6.3 Group III toxic substances in packets	
	6.4 Infective substances	No exemption
Group VII-	Radioactive materials	No exemption
	National Nuclear Regulator competency for certification	
Group VIII-	Corrosive/caustic substances	

	8.1 Group I acids in packets	Total quantity may not exceed 50 Kg
	8.2 Group II acids in packets	Total Quantity may not exceed 200 Kg
	8.3 Group III acids in packets	Total quantity may not exceed 1 000 Kg
	8.4 Group I alkaline substances in packets	Total quantity may not exceed 50 Kg
	8.5 Group II alkaline substances in packets	Total quantity may not exceed 200 Kg
	8.6 Group III alkaline Substances in packets	Total quantity may not exceed 1 000 Kg
Group IX-	Miscellaneous substances	
	9.1 Liquids	Total quantity may not exceed 210 Litre
	9.2 Solids	Total quantity may not exceed 210 Kg

Transportation of mixed loads shall be subjected to a transport permit.

109. CONSTRUCTION OF VEHICLES FOR GROUPS I, II, III, IV, V, VI, VII, VIII AND IX HAZARDOUS SUBSTANCES

- (1) Any road tanker for the transportation of **Groups II, III, V, VI, VIII and IX** hazardous substances must be constructed and maintained in accordance with the provisions of **SANS 10189, SANS 1398 and SANS 10233**, as the case may be, and must be labelled in accordance with the provisions of **SANS 10232**, the *Hazardous Substances Act, 1973*, and any regulations made under the Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in section 2(1) of the *Hazardous Substances Act, 1973*, must –
 - (a) be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
 - (b) have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
 - (c) be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is **25 kg** or more;
 - (d) be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body as contemplated in **SANS 10187-8**: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog winch mechanism that can be locked;
 - (e) have electrical wiring that complies with the requirements of **SANS 314** and be maintained in accordance with **SANS 314**;
 - (f) have at least two static-free wheel blocks;
 - (g) have a power insulating switch, excluding the ignition switch, that is readily accessible in an emergency;
 - (h) have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit- {provided that portable container that contain or have contained **Group II** hazardous substances may only be transported in an open-bodied vehicle; and
 - (i) have a valid roadworthy certificate as prescribed by the *National Road Traffic Act, 1996*, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in section 110 of these By-laws, must be equipped with at least **two 9 kg** dry chemical fire extinguishers, which extinguishers must be –
 - (a) designed and manufactured in accordance with the specifications contained in **SANS 1910**;
 - (b) maintained in accordance with **SANS 10105** and **SANS 1475**; and
 - (c) so positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.

- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substance in a road tanker or in any other vehicle contrary to any requirements contained in this section, or has it so transported or permits it to be so transported, is guilty of an offence.

110. FIRE BRIGADE SERVICE TRANSPORT PERMITS

- (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to section 109 of these By-laws, have a valid transport permit in terms of this section for transporting hazardous substances- Provided that –
 - (a) each vehicle for which such a permit has been issued must comply with the provisions of section 109 of these By-laws;
 - (b) the application form, provided for in **Annexure 1** to these By-laws and obtainable from the Service, must be completed correctly in full;
 - (c) the application form must be accompanied by the fees prescribed in the controlling authority's tariff policy; and
 - (d) the application must be submitted for processing to the hazardous substances registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit must -
 - (a) indicate the date of issue and the date of expiry;
 - (b) be valid for a period of twelve months from the date of issue;
 - (c) indicate the name, in block letters, of the issuing officer and bear the officer's signature;
 - (d) indicate a year-linked serial number;
 - (e) indicate the group and quantity of hazardous substances to be transported;
 - (f) indicate the registration number of the vehicle in question; and
 - (g) at all times be maintained in a legible condition.
- (3) The controlling authority may request additional information from the applicant.
- (4) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (5) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of **SANS 10087-4, SANS10089-1, SANS 10230, SANS 1398, SANS 1518** and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in 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 fire brigade transport permit.
- (6) A fire brigade transport permit 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.
- (7) If, at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the conditions of the fire brigade transport permit, he must act in terms of these By-laws.
- (8) A consignor may not supply hazardous substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid a fire brigade transport permit issued by the controlling authority.
- (9) A consignee may not receive hazardous substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirements in subsection (7).
- (10) A fire brigade transport permit 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.
- (11) The a fire brigade transport permit must be available in the vehicle for inspection at all times.
- (12) The controlling authority must keep records of all vehicles in respect of which a fire brigade transport permit has been issued, amended and renewed.

(13) Any person who contravenes subsection (8), (9) and (11) of this section is guilty of an offence.

111. NO AUTHORISATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS

(1) No permit contemplated in section 110 or any other authorisation contemplated in these By-laws is required in respect of flammable liquids in a fuel tank –

- (a) of any motor vehicle; and
- (b) of any stationery engine if the volume of the fuel tank does not exceed **1 100 litres**.

(2) Any person who contravenes this section is guilty of an offence.

112. OPENINGS TO TANK

(1) All openings to the tank of any vehicle used for the transport of hazardous substances shall be kept securely and effectively closed at all times when not in use.

(2) Any person who contravenes this section is guilty of an offence.

113. SUPERVISION OF BY RESPONSIBLE PERSON

(1) Every vehicle conveying hazardous substances shall be under constant supervision of the person having charge and control of such vehicle during the period that it is in use as such outside a bulk depot.

(2) Any person who contravenes this section is guilty of an offence.

114. POSITION OF VEHICLE DURING DELIVERY OPERATIONS

(1) No person shall –

- (a) cause or permit a vehicle conveying hazardous substances to stand on or across any public footpath during delivery operations;
- (b) place the hose or cause or permit the hose to be placed across such footpath during such operation;
- (c) cause or permit a vehicle to face in any direction other than toward the exit during such operation.

(2) Any person who contravenes this section is guilty of an offence.

115. AGENCIES LIKELY TO IGNITE FLAMMABLE LIQUID OR GAS

(1) No person shall –

- (a) bring or cause to be brought any fire, naked light, flame or other agency likely to ignite flammable liquid or its vapour within **3 m** of any vehicle in which flammable liquid or gas is transported;
- (b) carry or permit to be carried any matches, cigarette lighter or similar contrivance on any vehicle used for the transport of flammable liquid;
- (c) smoke or be in possession of a lighted cigarette, cigar or pipe or permit any other person to smoke or be in possession within **3 m** of a vehicle in use for the transport of flammable liquid or during the filling of such vehicle with flammable liquid or gas or the discharge of such liquid there from;
- (d) smoke or be in possession of a lighted cigarette, cigar or pie within **3 m** of such vehicle during the filling of such vehicle with flammable liquid or gas, or the discharge of such liquid or gas there from or while in attendance thereon permit any other person so to smoke or be in possession.

(2) Any person who contravenes this section is guilty of an offence.

116. DUTIES, RESPONSIBILITIES AND SKILLS OF A DRIVER OF A VEHICLE FOR HAZARDOUS SUBSTANCES.

(1) Any driver of a vehicle referred to in section 109 of these By-laws must have the skills and appropriate documents in terms of the *National Road Traffic Act, 1996*, and the *Road Transportation Act, 1977 (Act 74 of 1977)*, and must act in accordance with **SANS 10189**, **SANS 10232**, the *Hazardous Substances Act, 1973*, and the regulations made under the Act.

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

117. RECOGNITION OF CERTIFICATES ISSUED BY OTHER AUTHORITIES

- (1) Upon production to him by the holder thereof of a certificate of registration issued by another fire authority in terms of By-laws applying to the area of jurisdiction of such authority and having the same or similar provisions as these By-laws, which authority has been approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of these By-laws and if he does so he shall endorse such certificate accordingly and enter the particulars of the holders and the certificate in the register kept in terms of section 110(11) as if the certificate had been issued in terms of section 110 and thereupon the holder of the certificate shall for all purposes of these By-laws be deemed to be the holder of a certificate issued in terms thereof.

118. PRECAUTIONS

- (1) Every person responsible for or concerned in the conveyance of flammable liquid or substance shall take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorised person to any vehicle or container whilst in transit
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

**PART 8
STOREROOMS FOR HAZARDOUS SUBSTANCES**

119. PROVISIONS OF STORES

- (1) When deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of flammable liquids or substances to be stored, the nature and proximity of adjacent buildings and other attendant risks, the occupier of the premises shall provide thereon a store in accordance with the requirements of these By-laws for the storage of such liquids or substances.
- (2) No person who is the holder of certificate of registration shall store in any store provided in terms of these By-laws any greater quantity of hazardous substances than is permitted by the certificate of registration issued in respect of that store and in the case of the storage of liquefied petroleum gas at retail outlets the holder shall ensure that the requirements of **SANS 10087-7** are complied with.
- (3) No person shall use or permit the use of a store for the purpose of storing flammable liquid or substance, unless it complies with the requirements of these By-laws and until warning notices conforming to pictogram **WW2** described in **SANS 1186** Symbolic Safety Signs are legibly painted or otherwise displayed on the outer face of the door of such store and such notices shall at all times be maintained in such position and in a legible condition.

120. REQUIREMENTS FOR STOREROOMS**Capacity**

- (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in section 59 of these By-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.
- (2) No person may store or allow the storage of any flammable substances in any storeroom unless –
 - (a) that person has a certificate of registration contemplated in section 66; and
 - (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

Danger notices in storeroom

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

Display of certificate of registration

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

Construction of storerooms (excluding storerooms in recognised bulk depots and bulk installations)

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

Doors

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

Windows

- (7) All window frames must be manufactured of steel and must -
- (a) be fitted with wire glass with a minimum thickness of **8 mm**; and
 - (b) have window panels with a maximum size of **450(four hundred and fifty) mm x 450(four hundred and fifty) mm**;
- Provided that no window must be capable of being opened.

Catch pit

- (8) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit- Provided that -
- (a) the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored in the storeroom, plus **10%**;
 - (b) the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed;
 - (c) an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - (d) the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

Ventilation

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

Natural ventilation

- (10) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of **30 (thirty)** total air changes per hour by installing non-combustible airbricks, at least **140 (one hundred and forty) mm x 215 (two hundred and fifteen) mm**

in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least **0,5 mm**- Provided that the airbricks are -

- (a) provided in at least three external walls; and
- (b) positioned **100(one hundred)** mm above the level of the sill and **100(one hundred)** mm below the roof and not more than **450 (four hundred and fifty)** mm apart.

Mechanical ventilation

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

Electrical equipment

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

Electrical installations installed by qualified electricians

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

Storerooms constructed from other, non-combustible materials

- (14) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials- Provided that -
- (a) the storeroom is not constructed within **30 (thirty)** m of any other building and/or the boundary of premises;
 - (b) the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of hazardous substances able to be stored in the storeroom, plus **10%**; and
 - (c) the floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination.

Unauthorised access

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

Abuse of a storeroom

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

121. LIGHTING OF STORE

- (1) All lights installed shall be of the incandescent electric type, which shall be enclosed in an outer flame and vapour proof fitting, and all wiring shall be armoured cable or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store.

122. USE OF STORE

- (1) No person shall, without the prior written authority of the Chief Fire Officer –
- (a) use any store or cause or permit such store to be used for any purpose other than the storage of flammable liquids or substances and their containers.
 - (b) be present in or cause or permit any other person to be present in any store unless all doors of the store are fully open and kept entirely unobstructed.

123. KEEPING AND HANDLING HAZARDOUS SUBSTANCES IN A STOREROOM

- (1) Any storeroom referred to in section 122 of these By-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives) - of which the registration is also the competency of the Chief Inspector of Explosives - as defined in section 2(1) of the *Hazardous Substances Act, 1973*: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 129 of these By-laws, any grouped hazardous substance contemplated in this section, with the exception of **Group I** hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in **SANS 10263** and kept in terms of **SANS 10263**: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 59 and 60, of these By-laws, as the case may be.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

124. STORAGE IN OPEN AIR

- (1) No person shall store hazardous substances outside a building or elsewhere in the open air except in accordance with **SANS 10263** and the following requirements-
- (a) The hazardous substances may only be stored in sealed containers which shall be stacked to a height not exceeding three containers;
 - (b) No hazardous substances or drum shall be nearer than –
 - (i) **3 m** from any boundary of the premises or any drain;
 - (ii) **6 m** from any building on the premises;
 - (iii) **15 m** from any building on adjacent premises;
 - (c) The area in which storage takes or is to take place shall, if required by the Chief Fire Officer, be bounded to his satisfaction;
 - (d) Signs prohibiting smoking and naked flames conforming to prohibitory signs **PV1** and **PV2** as described in **SANS 1186** Symbolic Safety Signs, shall at all times be displayed so as to be visible to all persons approaching the storage area.

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

125. FOAM INLETS REQUIRED FOR CERTAIN STOREROOMS

- (1) The owner or person in charge of a storeroom that is used or intended to be used for storing more than **5 000 (five thousand) litres** of flammable substance must ensure –
- (a) that the storeroom is provided with a foam inlet consisting of a **65 (sixty five) mm** male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
 - (b) that the foam inlet is identified by a sign in block letters at least **100 (hundred)** millimetres high, displaying the words **“foam inlet”**.

126. SHELVING IN STOREROOMS

- (1) The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.
- (2) Any person who contravenes this section is guilty of an offence.

127. MIXING AND DECANTING ROOMS

- (1) The owner or person in charge of any premises where quantities of hazardous substances exceeding those stipulated in Section 60 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Part applicable to storerooms.
- (2) Any person who contravenes this section is guilty of an offence.

128. HAND TOOLS

- (1) The owner or person in charge of any hazardous substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
- (2) Any person who contravenes this section is guilty of an offence.

129. CONTAINERS HANDLING AND STORAGE

- (1) Every hazardous substance container must –
- (a) be kept closed when not in use;
 - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Any person who contravenes this section is guilty of an offence.

130. STORAGE, USE AND HANDLING ON REGISTERED PREMISES PROHIBITED IN CERTAIN CIRCUMSTANCES

- (1) Except as otherwise provided in these By-laws, no person shall store, use or handle or permit or cause to be stored, used or handled any hazardous substance on any registered premises–
- (a) in circumstances that such hazardous substance, or its vapour comes or likely to come into contact with any fire, flame, naked light or other agency likely to ignite such flammable liquid or substance or its vapour;
 - (b) unless such premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining premises or part thereof from the risk of danger from fire;
 - (c) as to prevent, or impede the escape of any person or animal;
 - (d) unless all equipment used in such premises for the storage, use and handling of hazardous substance is maintained in good and proper order and free from leakage of hazardous substance;
 - (e) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises and for the prevention of unauthorised person obtaining access to the hazardous substance kept thereon.
- (2) Any person who contravenes this section is guilty of an offence.

131. PROHIBITED ACTS - NOTICES AND SYMBOLIC SAFETY SIGNS MUST BE DISPLAYED

- (1) Whenever so directed by the Chief Fire Officer in writing, the occupier of any premises, whether registered in terms of these By-laws or not, upon which hazardous substances are stored, used or handled shall post and keep posted in a conspicuous position or positions in such premises or part thereof, as the Chief Fire Officer shall specify, a sign or signs conforming to **SANS 1186** Symbolic Safety Signs indicating the appropriate hazard grouping and prohibiting smoking or the use or causing of fire or an open flame on such premises or part thereof.
- (2) Any person who, upon premises on which hazardous are stored, used or handled who does, or cause or permits to be done, any act which tends or is likely to cause a fire or explosion or who smokes or uses an open flame in contravention of a notice posted in terms of subsection (1) and any occupier of premises who fails to post or keep posted any notice in terms of a direction given under subsection (1) shall be guilty of an offence.

132. NOTICE TO DISCONTINUE DANGEROUS METHOD

- (1) Where on inspection of any premises it appears that any degree, manner or method of storage, use, transport or handling of hazardous substances which is in conflict with the provisions of these By-laws or any act or omission constitutes a contravention of these By-laws, is calculated to endanger the safety of persons or property, any Fire Official may require the immediate discontinuance, of such degree, manner or method or the removal of the hazardous substance to a place of safekeeping.
- (2) A person who fails to comply with an instruction given in terms of subsection (1) shall be guilty of an offence.

133. UNAUTHORISED USE AND ENTRY OF STOREROOMS PROHIBITED

- (1) No person may –
 - (a) without the authority of the owner or person in charge, enter or allow any other person to enter any hazardous substance storeroom;
 - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of hazardous substances;
 - (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
 - (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.
- (2) Any person who contravenes this section is guilty of an offence

PART 9**SPRAY-PAINTING MATTERS AND SPRAYING PERMITS****134. APPLICATION FOR SPRAYING PERMIT**

- (1) Any person who wishes to obtain a spraying permit must complete and submit to the Chief Fire Officer an application form for such permit in the form and manner as prescribed in **Annexure 1** to these By-laws.

135. REGISTRATION OF SPRAY-PAINTING ROOMS

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

Prohibition of certain actions

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

Display and conditions of spraying permit

- (3) A spraying permit is issued on the following conditions-
- (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
 - (b) The spraying permit must be legible at all times.
 - (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - (d) A serial number must be indicated on the spraying permit.
 - (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will only be **12 calendar months**.
 - (f) The spraying permit is not transferable from premises to premises.
 - (g) In the case of reconstructing, the spraying permit is, subject to the provisions of section 60 of these By-laws, transferable from control to control or from owner to owner on the same premises- Provided that -
 - (i) application must be made for transfer to the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.
 - (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 59 of these By-laws.
 - (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
 - (j)
 - (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - (ii) The fees prescribed in **Annexure 1** to these By-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these By-laws.
 - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

136. SPRAYING PROHIBITED WITHOUT SPRAYING PERMIT

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless –
- (a) that person is in possession of a spraying permit contemplated in section 135(1);
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officers on premises registered for that purpose.
- (2) Any person who contravenes subsection (1) commits an offence.

137. CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS

- (1) The construction of a spraying room and/or spraying booth must be in accordance with the following requirements-
- (a) The floor must be of concrete.
 - (b) The walls must be of brick and/or concrete.
 - (c) The roof must be of reinforced concrete.
 - (d) The doors must be **Class B-type** fire doors as contemplated in **SANS 1253**.

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

Location of and access to a spraying room

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must -
- (i) open to the outside;
- (ii) be at least **800 (eight hundred) mm x 2 000 (two thousand) mm** in extent;
- (iii) be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not **exceed 4 m**; and
- (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least **1 200 (one thousand two hundred) mm** wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of **1 200 (one thousand two hundred) mm** must be identified by fire partition walls with a fire resistance of at least **60 minutes**, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against fire walls- Provided that not more than two sides of the spraying room may border the fire walls.

Water floors

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

Electrical equipment

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

Mechanical ventilation

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

Fire dampers, fire detectors and fire alarms

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

Positioning of ventilation outlets

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

Display of signs prohibiting open flames and smoking

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

Maintenance of spraying rooms

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

Unauthorised access

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

Abuse of spraying room

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

Provision of fire-fighting equipment

- (19) (a) Any spraying room must have a **9 kg** dry chemical fire extinguisher on the inside, as well as a **9 kg** dry chemical fire extinguisher and a **9 kg** carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in section 77 of these By-laws.

Drying / heating devices

- (20) Whenever any manifold installation of a **Group II** hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of **SANS 10087-1**, and the relevant provisions of these By-laws will apply *mutatis mutandis* in the application of this section.

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

138. SPRAY ROOMS AND BOOTHS

- (1) 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* as well as with the requirements of these By-laws.

139. WHEN PERMIT IS NOT REQUIRED

- (1) Nothing contained in section 134 shall prohibit the spraying with flammable liquid of any vehicle or article in the open air if such spraying is not within a distance of **15 m** from any fire, flame, open light, or other agency likely to ignite such flammable liquid or its vapour and is not likely to impede the escape of persons or animals in the case of fire: Provided that the requirements of the controlling authority's pollution and environmental policy are also met.

140. DUTIES OF OWNER, OCCUPIER OR PERSON IN CHARGE OF SPRAYING ROOM

- (1) Every owner, occupier and person in charge of a spraying room must ensure that:
- (a) the spraying room complies with the requirements of these By-laws; and
 - (b) every other person on the premises complies with the provisions of these By-laws.

141. ACCESS TO SPRAYING ROOMS

- (1) In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that –
- (a) open to the outside of the spraying room;
 - (b) have dimensions of at least **800 (eight hundred) mm wide x 2 000(two hundred) mm** high;
 - (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed **4 m**; and
 - (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

142. MANIFOLD INSTALLATIONS IN SPRAYING ROOMS

- (1) Every manifold installation of a **Group II** hazardous substance that forms an integral part of the heating system of any spraying room must –
- (a) comply with **SANS 10087-1**; and
 - (b) the requirements of these By-laws.

PART 10**143. INSPECTION OF PREMISES**

- (1) The Chief Fire Officer shall on behalf of the controlling authority arrange for the periodic inspection, by a Fire Official, of all premises in respect of which a certificate of registration or permit has been issued in terms of these By-laws, in order to ensure that the provisions of these By-laws are being complied with and that all equipment, apparatus and appliances are provided and maintained in accordance therewith.
- (2) The premises referred in subsection (1) shall be inspected at least once during the period 1 July to 31 June in each and every year and a record of all inspections carried out shall be kept.

PART 11**144. HANDLING ANIMALS DURING EMERGENCIES**

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

PART 12**145. CHARGES**

- (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated the municipality's tariff policy.
- (2) The Municipality may charge a fee for the provisions of an inspection, re-inspection or any other service as well as the issuing, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

146. PAYMENT FOR ATTENDANCE AND SERVICES

- (1) Subject to the provisions of section 56 of these By-laws, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the controlling authority the charges determined by the Chief Fire Officer to be due in accordance with the charges set out in the controlling authority's tariff policy for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may access the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than **ninety percent (90%)** lower than the aggregate of the charges which would have been payable in terms of subsection (1): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be given to:
- (a) the fact that the amount so assessed shall be commensurate with the service rendered;
 - (b) the manner and place of origin of the fire; and
 - (c) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.
- (3) Where the charges are assessed in terms of paragraph (2) and the person liable to pay such charges is dissatisfied with such assessment, he/she may lodge an appeal with the Court.
- (4) An appeal in terms of paragraph (3) shall be lodged by forwarding, within **14 days** after receipt of an account for the assessed charges, a written notice of appeal to the controlling authority. The Municipal Manager of the controlling authority shall obtain a written comment thereon from the Chief Fire Officer and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment.

147. EXEMPTION FROM PAYMENT OF CHARGES

- (1) Notwithstanding the provisions of section 146, no charges shall be payable where –
- (a) A false alarm has been given in good faith;
 - (b) The services were required as a result of civil commotion, riot or natural disaster;
 - (c) The services were rendered in the interest of public safety;
 - (d) The Chief Fire Officer is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
 - (e) The owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Officer that such vehicle was stolen and that it had not been recovered by him/her at the time when the services of the service were rendered in respect thereof;
 - (f) Any person, including the State, has entered into an agreement with the controlling authority in terms of section 10 of the By-laws whereby the services of the service are made available to such person against payment as determined in such agreement.

PART 13

MISCELLANEOUS

148. EXEMPTION FROM PROVISIONS OF THESE BY-LAWS

- (1) Any person may make application to the controlling authority in writing, for an exemption from any provision of these By-laws, specifying the reason for exemption in such application.
- (2) The controlling authority may grant an exemption –
- (a) in general or in particular;
 - (b) for any period; and
 - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these By-laws.
- (3) If an exemption is granted in terms of subsection (2), the controlling authority must issue a certificate of exemption and any condition imposed.
- (4) The controlling authority may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

149. APPROVAL, AUTHORISATION OR PERMISSION UNDER THESE BY-LAWS

- (1) Any person who requires any approval, authorisation or permission contemplated in these By-laws, in respect of which no application procedure is provided, must apply for that approval, authorisation or permission –
- (a) by completing and submitting an application in the form and manner determined by the controlling authority; and
 - (b) by paying the prescribed fee.

150. BY-LAWS BIND STATE

- (1) These By-laws bind the State entities and any person in the service of the State entities within the jurisdiction of the City of Tshwane Metropolitan Municipality.

151. JOINT FIRE SERVICES COMMITTEE

- (1) A Joint Fire Services Committee representing the fire services in the area of jurisdiction of the Tshwane Municipality and all Municipalities in the area within the Province of Gauteng may be established.
- (2) The Joint Fire Service Committee as contemplated in subsection (1) must collaborate and liaise for the purposes of making recommendations with regard to –
- (a) the planning and co-ordination of the services within the province;
 - (b) the co-ordination and standardisation of infrastructure, vehicles, equipment and procedures pertaining to the service;
 - (c) the training of members; and
 - (d) any other operational matters relating to the service.
- (3) The Chief Fire Officer of each controlling authority within the province may be a member of the Joint Fire Service Committee.
- (4) The Joint Fire Service Committee may determine its rules of meeting procedures, provided that such procedures are not inconsistent with generally accepted municipal administrative practices, these By-laws or any other legislation.

152. APPEAL

- (1) A person whose rights are affected by a decision delegated by the controlling authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the *Municipal Systems Act (Act 32 of 2000)* to the municipal manager within **21 days** of the date of the notification of the decision.

153. PRESUMPTIONS

- (1) In addition to the person by whose act or omission any contravention of or failure to comply with a provision of the code is actually committed, the owner of the vehicle in respect of which the offences is committed or the owner of the premises on which the offence is committed or, if the premises are occupied by a person other than such owner, the occupier thereof, shall be presumed also to have committed such contravention or to have so failed to comply unless it is proved to the satisfaction of the court that he has taken all reasonable steps to have prevented such as contravention or failure to comply by any other person- Provided that the fact that such owner or occupier issued instructions forbidding any such act or omission shall not of itself be accepted as sufficient proof that such owner or occupier took all reasonable steps to prevent such a contravention or failure to comply by such other person.

154. PENALTIES FOR CONTRAVENTIONS

- (1) Any person who contravenes or fails to comply with any provision of these By-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding **R100 000(one hundred thousand)**, 00 or, in default of payment, liable to imprisonment for a period not exceeding six months.

PART 14**GENERAL****155. OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

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

156. REPEAL OF BY-LAWS

- (1) The following By-laws are hereby repealed-
- (a) The City of Tshwane Metropolitan Municipality Fire Brigade Services By-laws as published under *Local Authority Notice 267* within the *Provincial Gazette Extraordinary, Vol 11, No. 42* dated 9 February 2005
 - (b) The Municipality of Bronkhorstpruit Fire Brigade By-laws published under Administrator's Notice 1771 dated 23 December 1981

157. SHORT TITLE

- (1) These By-laws are called the City of Tshwane Metropolitan Municipality: Fire Brigade Service By-laws and their provisions come into operation on a date fixed by proclamation in the *Gauteng Provincial Gazette*.

PART 15**ANNEXURE 1****OFFICIAL DOCUMENTS****A. GENERAL**

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

B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS

The following must be indicated in all documents-

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full, including the postal code (on all application forms)
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer
9. The date on which the document was issued
10. The expiry date of the document

11. The type of document, such as-
 - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
 - (2) "Application for a certificate of fitness" or "Certificate of fitness"
 - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/Spraying permit"
 - (4) "Application for a transport permit" or "Transport permit"
 - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
12. Any other relevant information, such as-
 - (1) The groups and subgroups of hazardous substances for which registration is required
 - (2) The required quantity of each group of hazardous substance
 - (3) The manner in which the substances are to be stored, for example -
 - (a) in an underground storage tank;
 - (b) in an above-ground storage tank;
 - (c) in a hazardous substance store; or
 - (d) in a manifold installation
 - (4) An indication of all spray-painting rooms and submersion tanks, or dry cleaning rooms as the case may be
13. A serial number (on all permits and certificates)
14. A receipt number (on all permits and certificates)
15. The official stamp of the Service.

C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2)
 - (a) All application forms must have all the administrative information as contained in paragraph B(STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS).
 - (b) On all application forms, space must be left in which the correct application fee, as provided for the in controlling authority's tariff policy, can be indicated prominently in red figures.
 - (c) A warning must appear below the space for the application fee to the effect that the applicant is granted only **14 working days** (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of **14 days** is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these By-laws and/or relevant South African National Standards, as the case may be.
- (4) At the top of each checklist –
 - (a) it must be stated that the checklist is for office use only;
 - (b) space must be set aside for the date, time and place of the appointment for an inspection; and
 - (c) space must be set aside for particulars of the contact person who will represent the applicant during the inspection.

- (5) At the end of each checklist, space must be set aside for –
- (a) the signature of the member of the Service who completed the checklist;
 - (b) the date on which the checklist was completed; and
 - (c) an indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for –
- (a) full particulars of the registration officer who received the application fee;
 - (b) the method of payment, for example cash, postal order or cheque; electronic transfer; and
 - (c) an official receipt number.

2. PERMITS AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph **B (11)** above must appear at the top of all permits and certificates.
- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**.

3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**, a round disc with the following information must form part of the official documentation of the Service in the case of transport permits-

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

ANNEXURE 2**EMERGENCY EVACUATION PLANS****A. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least twice a year, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least **21 calendar days** prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.
4. Any emergency evacuation plan must be compiled in the dominant, official language(s) (which must be an official language of the Republic) of the employer.

B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

2. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN**(1) THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY**

- (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
- (b) A number of copies must be kept in a safe in the control room.

(2) EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE

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

(3) DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL

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

(4) ACTION PLANS AND EMERGENCY ACTIONS

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

(5) PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES

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

3. TRAINING OF STAFF MEMBERS

Staff members must be trained in the following-

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

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

C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

Any emergency evacuation plan must contain the following-

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

ANNEXURE 3

NORMATIVE REFERENCE LIST

1. NORMATIVE REFERENCES

1.1 NATIONAL LEGISLATION

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

No	ACT No	Title of Act
1	63 of 1977	Health Act, 1977
2	99 of 1987	Fire Brigade Services Act, 1987
3	32 of 2000	Municipal Systems Act, 2000
4	117 of 1998	Municipal Structures Act, 1998
5	103 of 1977	National Building Regulations and Building Standards Act, 1977
6	101 of 1998	National Veldt and Forest Fire Act, 1998
7	10 of 1998	Rationalization of Local Governments Affairs Act, 1988
8	15 of 1973	Hazardous Substances Act, 1973
9	85 of 1993	Occupational Health and Safety Act, 1985
10	93 of 1996	National Road Traffic Act, 1996
11	68 of 1995	South African Police Service Act, 1995
12	32 of 1944	Magistrates' Courts Act, 1944
13	15 of 2003	Explosives Act, 2003
14	74 of 1977	Road Transportation Act, 1977
15	43 of 1996	National Archives of South Africa Act, 1996
16	95 of 1986	Sectional Titles Act, 1986
17	107 of 1998	the National Environmental Management Act (NEMA)

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

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

No	No Standard	Title of Standard / Code of Practice / Specification
1	SANS 193	Fire Dampers
2	SANS 60079-1	Flameproof Enclosures.
3	SANS 541	Fire Hose Reels (with hose)
4	SANS 1186	Symbolic Safety Signage
5	SANS 1128-1	Fire Fighting Equipment Part 1- Components of underground and above-ground hydrant systems
6	SANS 1128-2	Fire Fighting Equipment Part 1- Hose couplings, connectors and branch pipe and nozzle connections
7	SANS 1253	Fire Door Assemblies
8	SANS 1398	Road Tank Vehicles for Petroleum-Based Flammable Liquid
9	SANS 1475-1	The Production of Reconditioned Fire-Fighting Equipment Part 1- Portable Rechargeable Fire Extinguishers
10	SANS 1475-2	The Production of Reconditioned Fire-Fighting Equipment Part 2- Fire Hose Reels
11	SANS 1535	Glass-Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
12	SANS 1567	Portable Rechargeable Fire Extinguishers - Carbon Dioxide type
13	SANS 1910	Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14	SANS 10087-1	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1 - Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500 Litre and a combined water capacity not exceeding 3 000 Litre per installation
15	SANS 10087-2	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2 – Installations in mobile units and small non-permanent buildings
16	SANS 10087-3	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3 - Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 Litre

17	SANS 10087-4	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4 - Transportation of LPG in bulk by road
18	SANS 10087-6	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6 - The application of liquefied petroleum gas as an engine fuel for internal combustion engines
19	SANS 10087-7	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7 - Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
20	SANS 10087-8	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8 - The fuelling of fork lift trucks and other gas operated vehicles
21	SANS 10089-1	The petroleum industry Part 1 - Storage and distribution of petroleum products in above-ground bulk installations
22	SANS 10089-2	The petroleum industry Part 2 - Electrical code
23	SANS 10089-3	The petroleum industry Part 3 - The installation of underground storage tanks, pumps / dispensers and pipe work at service stations and consumer installations
24	SANS 10086-1	The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1 - Installations other than in mines
25	SANS 10105-1	The classification, use and control of fire-fighting equipment Part 1 - Portable fire extinguishers
26	SANS 10105-2	The classification, use and control of fire-fighting equipment Part 2 - Fire hose reels
27	SANS 10108	The classification of hazardous locations and the selection of apparatus for use in such locations
28	SANS 10189	The operation, handling and maintenance of road tank vehicles for flammable liquid
29	SANS 10019	Portable metal containers for compressed gases- Basic design criteria, use and maintenance
30	SANS 10090	Community Protection Against Fire
31	SANS 10131	The Storage and Handling of Liquid Fuel
32	SANS 10400	The Application of the National Building Regulations
33	SANS 1850	The Design and Manufacture of Commercial Kitchen Extraction Systems
34	SANS 10228	The Identification and Classification of Dangerous Substances and Goods
35	SANS 10229	Packaging Of Dangerous Goods For Road Traffic And Rail Transportation In South Africa
36	SANS 10230	Transportation of Dangerous Goods – Inspection Requirements for Road Vehicles
37	SANS 10231	Transportation Of Dangerous Goods – Operational Requirements For Road Vehicles
38	SANS 10232-1	Transportation of Dangerous Goods – Emergency Information Systems – Part1- Emergency Information System for Road Transportation
39	SANS 10232-2	Transportation of Dangerous Goods – Emergency Information Systems – Part2- Emergency Information System for Rail Transportation
40	SANS 10232-3	Transportation of Dangerous Goods – Emergency Information Systems – Part3- Emergency Action Codes
41	SANS 10233	Intermediate bulk containers for dangerous substances
42	SANS 10252-1	Water supply and drainage for buildings Part 1 - water supply installations for buildings
43	SANS 10263	The Warehousing of Dangerous Goods – Enclosed storage areas and covered and uncovered outdoor storage yards
44	SANS 10287	Automatic sprinkler installations for fire fighting purposes
45	SANS 10177-1	Fire testing of materials, components and elements used in buildings Part 1- General introduction to the methods of test
46	SANS 10177-2	Fire testing of materials, components and elements used in buildings Part 2- Fire resistance test for building elements
47	SANS 10177-3	Fire testing of materials, components and elements used in buildings Part 3- Surface fire index of finishing materials
48	SANS 10177-4	Fire testing of materials, components and elements used in buildings Part 4- Surface fire index of floor coverings
49	SANS 10177-5	Fire testing of materials, components and elements used in buildings Part 5- Non-combustibility at 750 °C of building materials
50	SANS 10177-6	Fire testing of materials, components and elements used in buildings Part 6- Non-combustibility at 300 °C of building materials
51	SANS 10177-7	Fire testing of materials, components and elements used in buildings Part 7- Fire test fire-check properties of building elements
52	SANS 10187-8	Load Securement on Vehicles Part 8 Dangerous Goods

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