

DRAFT FEZILE DABI DISTRICT MUNICIPALITY

FIRE BY- LAWS

FOR

PUBLIC COMMENT

COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE

FEZILE DABI DISTRICT MUNICIPALITY

FIRE & RESCUE SERVICES: FIRE BY-LAWS

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EMERGENCY SERVICES: FIRE BY-LAWS

Fezile Dabi District Municipality hereby promulgates the Fire & Rescue Services: Fire By-laws set out below for its area of jurisdiction in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), together with section 15 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

PART I

APPLICATION OF BY-LAWS AND DEFINITIONS

1. Application of By-laws

These by-laws apply –

- a. Within the area of jurisdiction of the Council; and
- b. In addition to any applicable national or provincial law.

2. Definitions

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

“above ground storage tank” means a tank situated above ground for the storage of flammable substances as contemplated in SANS 100131 and SANS 10089 Part 1 and SANS 10087 Part 3;

“access door” means any door that provides access to an emergency route;

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

“agricultural holding” means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

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

“approved” means as approved by the Council;

“area” means any residential area or any area within the boundaries of the Municipality;

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

“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 regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

“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 Compliance” means a certificate contemplated in section 20 of these by-laws, which a certificate has been issued by the Service in terms of fire related requirements to authorizes a person to occupy designated premises (which are a public building) accordingly;

“Certificate of Registration” means a certificate issued by the Service in terms of section 24 of these by-laws which authorizes a person to occupy registered premises, or to use the premises for spray painting activities or for the storage, handling or use of dangerous goods, by having complied to all fire related requirements;

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5 (1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5 (3) of the Act, and

“Manager: Fire Services” has a corresponding meaning.

“Chief Inspector of Explosives” means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosive Act, 1956;

“Civil Aviation Authority” means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

“class” means a class of petroleum product based on the following classification:

- a. Class 0: liquefied petroleum gasses;
- b. Class I: liquids subdivided as follows:
 - i. Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
 - ii. Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;
 - iii. Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- c. Class II: liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;
- d. Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and
- e. Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

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

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

“competent person” means a person who is qualified by virtue of his or her experience and training;

“controlling authority” means the District Municipality in control of the Service as defined in the Fire Brigade Services Act, 1987;

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

“Council” means-

The Fezile Dabi District Municipality established by Provincial Notice No. 37 of 2000, dated 1 October 2000, as amended, constitution twelfth Amendment Act 2005, exercising its legislative and executive authority through its municipal council;

its successor in title; a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000; or

A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.

“dangerous goods” means any flammable gas, flammable liquid or flammable solid as contemplated in SABS 0228;

“designated premises” means any premises designated by the Service with an view to an emergency evacuation plan as contemplated in section 19 of these by-laws;

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

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

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

“dump”, in the relation to a grouped dangerous good, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have in 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 substance, and “dumping”, “spilling” and “spill into” have a corresponding meaning;

“dwelling house” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic out buildings on that site;

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

“emergency evacuation plan” means a written procedure and a set of detailed plans as contemplated in Annexure III of these by-laws;

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

“escape door” means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

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

“explosive(s)” means –

- a. Gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other metals, coloured fires and every other substances, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing an practical effect by explosion or a pyrotechnic effect;
- b. Any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
- c. Any other substance, which the President may from time to time by proclamation in the Government Gazette, declares to be an explosive;
- d. A petrol bomb; and
- e. Any container, apparatus, instrument or article which –
 - (i) Contains any inflammable substances and can be used or adapted so that it can be used to cause an explosion or a fire; or
 - (ii) Was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

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

“facility” means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and include 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 of at least two emergency routes;

“fire area” means that 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, Parts 2 to 5, as amended;

“fire incident” means a fire on any premises in the area;

“fire installation” means any water installation, which conveys water solely for fire fighting;

“fire risk category” means fire area being divided into sub-areas, which fall into one of the following fire risks categories:

Category A: Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

Category B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralized areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

Category C: Residential areas of conventional construction.

Category D: Rural risks of limited buildings and remote from urban areas.

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

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

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

“fireworks display” means the use of fireworks for purposes of a public display;

“flammable gas” means a gas which at 20°C and a standard pressure of 101,3 kilopascals-

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

“flammable liquid” means a liquid or combustible liquid has a closed-cap flash point of 93°C or below;

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

“Group I, II, III, V, VI, VII and IX hazardous substances” means Group I, II, III, V, VI, VII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

“grouped dangerous goods” means a group of dangerous goods as contemplated in section 1 of the Dangerous Goods Act, 1973 (Act 15 of 1973);

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

“hazardous substance” means any hazardous substance contemplated in the Hazardous Substances Act;

“Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

“inspector” means a member appointed as an inspector in terms of section 2 (25) of the Explosive Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned.

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

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

“Municipality” means the duly constituted Fezile Dabi District Municipality;

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

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

“normative reference list” means the list of SANS specifications or codes of practice, which are contained in Annexure 5 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”;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“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 purpose of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Section A Title 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-

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- a. A train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
 - b. (b) Any building or room in which explosives are stored, kept or handled for the purpose of sale:
Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

“Prescribed fee” means a fee determined by the Council by resolution in terms of section 10G (7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

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

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

“pyrotechnist” means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

“Rational design” as defined in SANS 10400;

“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 dangerous goods, 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;

“SABS” means the South African Bureau of Standards;

“SANS” means the South African National Standards;

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

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

“spray” means to spray, coat, plate or epoxy-coat with any hazardous substance and

“spraying” has a corresponding meaning;

“spray permit” means a permit issued by the Service in terms of section 45 (1)(a) of these bylaws;

“spraying room” means any room, building or structure that is designed, build, equipped or erected solely for spraying or coating vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and **“spraying booth”** and **“submersion tank”**, as well as any related process involving electrolysis, have a corresponding meaning.

“storage vessel” means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

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

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

- a. The ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these storeys;
- b. A basement will be regarded as any storey of the building which is below the level of the ground storey;
- c. An upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- d. The height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement.

“temporary structure” means any structure that is apparently temporary in nature;

“**underground tank**” means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

“**use**” in relation to fireworks means discharging, lighting or igniting;

“**vegetation**” includes grass, weeds, leaves, shrubs and trees;

“**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;

“**water installation**” means a water installation as defined in the Council’s Water Services By-laws.

“**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;

“**Wholesale dealer**” means

- a. A person or concern that, for the purpose of trade, supplies explosives to any other dealer for resale.
- b. If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Local Government: 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.

PART II

ADMINISTRATIVE PROVISIONS

3. ORGANISATION OF THE SERVICE

1. The controlling authority may, subject to section 3 (3) of the Fire Brigade Services Act, 1987, as amended, established and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for-
 - a. preventing the outbreak or spread of a fire;
 - b. fighting or extinguishing 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 matters referred to in subsection (1) (a) to (e).
2.
 - a. The Chief Fire Officer is in charge of the Service.
 - b. Whenever the Chief fire Officer is for any reason unable to perform his/her duties of office, the controlling authority shall appoint a member of the service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
 - c. The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Free State, against payment in terms of or on the conditions contained in the agreement concerned.

4. DRIVING SERVICE VEHICLES

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

5. PROCEDURES AND DUTIES DURING AN EMERGENCY SITUATION

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

6. PRETENDING TO BE A MEMBER OF SERVICE

1. No person, except a member of service, 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 of service.
2. No person may falsely present himself/herself as a member of service or pretend to be a member of service.
3. Any person who so pretends to be or presents himself/herself as a member of service 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.
4. ***Any person who contravenes or fails to comply with this section is guilty of an offence.***

7. POWERS OF MEMBER OF SERVICE AND DESIGNATED OFFICER

1. Every member of service, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
 2. A designated officer as contemplated in 6 (4) may-
 - a. seize any certificate of compliance, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorized changes have been made to the document;
 - b. institute the relevant prosecution in connection with subsection (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 compliance, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:
 - i. The Chief Fire Officer or the delegated member of service must grant prior approval in writing for the seizure.
 - ii. Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - iii. After an order issued in terms of the Fire Brigade Service Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalized, as the case may be, any object seized must be returned to the person from whose possession it was taken;
 3. Any member of service may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member of service may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
 - a. Designated officers must be-
-

- i. suitably trained and certified as peace officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
- b. All designated officers have the power –
 - i. in terms of the provisions of sections 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine; in terms of provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
 - ii. in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
 - iii. in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorized to do so; and
 - iv. In terms of 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. MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE

1. With an approval of the Chief Fire Officer, the Service may, at the request of any body or person and at the tariffs determined in Annexure I to these by-laws, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
2. The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower are required elsewhere for or in connection with an emergency situation.

PART III

FIRE PROTECTION AND FIRE-FIGHTING

9. COMBUSTIBLE MATERIALS AND REFUSE

1. No person may store any combustible materials of whatever nature, or have them stored or permit 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 the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
3. No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
4. 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.
5. 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 portable fire hazard to any adjacent premises and/or any other person's property.
6. If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by
 - a. cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - b. pruning, chopping down and sawing any shrub or tree; and
 - c. removing any resulting combustible residue from the property.

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

10. MAKING FIRES

1. No person may, subject to provision of the Veld and Forest Act and Environmental Management Act, 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. fire in an approved, purpose made stove, fireplace or heath, 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.
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- d. No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt 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).

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

11. FIREBREAKS

1. Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
 - a. is at least 6 meters wide (when measured parallel from the boundary concerned);and
 - b. contains no vegetation or combustible residue.
2. If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 6 metre-wide safety fire-break around that obstruction.
3. No person may clear or maintain a safety fire-break by burning without prior written permission of the Chief Fire Officer.
4. Any person who intends to clear or maintain a safety fire-break by burning must-
 - a. apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning;
 - b. be in possession of a fire permit issued by the Chief Fire Officer of the Service; and
 - c. unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.
5. No burning will be approved by the Chief Fire Officer or Fire Protection Officer if the weather conditions and fire index rating is not favourable to allow burning of fire breaks.
6. Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply mutatis mutandis to the application of this section.
7. **Any person who fails to comply with the provisions of this section is guilty of an offence.**

12. INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

1. Any officer contemplated in section 6 (4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods or other hazard on the premises.
2. An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that 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 exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
 - b. The Chief Fire Officer may approve the proposed measure and deadline with or without amendments and may give instructions for compliance with the measures.
4. **Any person who fails to comply with a written instruction referred to in this section is guilty of an offence necessary; Enforcement of provision according to Act 99 of 1987 section 18 of said Act can be implemented.**

13. ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT MITIGATING AGENTS

1. Fire-fighting equipment, mitigating agents and the appropriate service installations must be installed so as to be readily accessible at all times.
 2. **Any person who, in whatever way, causes or permits fire-fighting equipment, mitigating agents and the appropriate service installations not to be readily accessible is guilty of an offence.**
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14. FIRE PROTECTION REQUIREMENTS FOR PREMISES**DESIGN AND CONSTRUCTION OF BUILDINGS**

1. In addition to any other provisions contained in these bylaws, The A Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, for the purpose of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
2. In any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water 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 building; and
 - b. Provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
4. Whenever an approved sprinkler system is required in any building in accordance with the provisions of SANS 10400; SANS 10087, Part 3; and SANS 10089, Part 1, or if the Council so requires, the owner of the building must ensure that the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.

REQUIREMENTS FOR EMERGENCY EXITS

5.
 - a. Every owner of a building must ensure that any escape door in that building-
 - i. Is fitted with hinges that open in the direction of escape; and
 - ii. Is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
 - b. Every owner of a building must ensure that any door in a feeder route-
 - i. is a double swing-type door;
 - ii. is not equipped with any locking mechanism.
 - c. 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.
 - d. 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.

ELECTRICAL FITTINGS, EQUIPMENT AND APPLIANCES

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

FLAME-EMITTING DEVICES

7. 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.
8. ***Any person who fails to comply with any of the provisions of subsection (2), (3), (4) and (5) 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 related to fire protection matter, is guilty of an offence and the necessary; Enforcements of provision according to Act 99 of 1987 section 18 of said act can be implemented.***

15. ACCESS FOR FIRE FIGHTING AND RESCUE PURPOSES

1. All premises in the area must be planned, designed and constructed so as to ensure that-
 - a. the requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
 - b. If a building does not front onto a street, an access road shall be 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
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- c. 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 or office complex, the dimensions of the opening of the arch must be at least 3,5 m wide and 4,2 m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5m.

2.

- a. The appropriate street number of every built-up premise within the area must be displayed clearly on the street boundary of the premises in question. This number must be 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.

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

16. UPKEEP MAINTENANCE OF FIRE-FIGHTING EQUIPMENT AND MITGATING AGENTS

1. The owner of any premises must ensure that-
 - a. all fire-fighting equipment, mitigating agents 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 SANS 101475 and registered in terms of SANS 101475;
 - b. portable mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 0105 and SANS 101475;
 - 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.
2. Any person who checks, services, renews, replaces or works on any fixed service installation must-
 - a. on completing the work, certify that the service installation is fully functional and;
 - b. notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
3. The owner or occupant responsible of any premises must keep a comprehensive service record of all fire fighting equipment and any other appropriate service installations on his/her premises and submit the record to the Service upon request by the designated officer.
4. 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.
5. No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

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

17. EXTRACTOR FAN SYSTEMS

1. Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
 2. Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
 3. The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.
 4. **Any person who fails to comply with the provisions of this section is guilty of an offence.**
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18. 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. any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable design according T1 (2) (a) or (b), submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1 (1) of the National Building Regulations.
2. Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for-
 - a. the drainage of any liquid from the floor of the hanger or helipad and/or approach to the hangar;
 - b. the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
 - c. the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
 - d. earthing devices for discharging static electricity.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

19. DUMPING SITES

1. The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions and requirements of the National Department of Water and Environment (DWAE), Free State Economic Development Environment and Tourism, Department of Health & Social Development, and those of the Service.
2. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

20. EMERGENCY EVACUATION PLANS

1. The owner or occupier of designated premises must-
 - a. within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, this plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws.
 - b. constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection programme, this programme include regular scheduled fire evacuation drills on the premises;
 - c. ensure that
 - i. the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - ii. updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
 - iii. the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the 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.
 - e. An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.
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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.
2. The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

21. CERTIFICATE OF COMPLIANCE FOR ALL PUBLIC BUILDINGS

1. The owner of any public building, or of any temporary structure which is erected or intended for holding gatherings, or event must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering, event or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
 2. No certificate of compliance will be issued for public buildings unless the relevant provisions of these by-laws have been complied with.
 3. A certificate of compliance 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 certificate of capacity and of fitness from structural engineer in terms of temporary structure
 - c. The type of activity of each occupier.
 - d. The name of the persons on the executive.
 - e. The permissible number of people in proportion to the usable floor area.
 - f. The number of emergency exits and their widths and all related equipment regarding fire protection.
 - g. A cancellation clause in the event of any applicable provisions of these by-laws being disregarded.
 - h. 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
 - i. A date, year and serial number.
 - j. The date of expiry of the certificate.
 4. Subject to the provisions of section 22 of these by-laws, a certificate of compliance is not required for a public building, which has been legally erected on commencement of these by-laws.
 5. If the trade name of the public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the Service immediately and in writing.
 6. No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority:
 - a. is in possession of a set plans referred to in section 13 of these by-laws and approved by the Service; and
 - b. has received the prescribed application form defined in Annexure II to these bylaws, which form has been completed in full and correctly.
 7. The holder of a certificate of compliance must ensure that he/she is at all times in possession of a valid certificate of compliance.
 8.
 - a. Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorization granted in terms of these by-laws.
 - b. The provisions of this subsection are not applicable to any action, which results in temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
 - 9.
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- a. The owner or the occupant must submit, on or before the first working day of the month in which the permit expires of each year, together with the prescribed fees determined in Annexure I of these by-laws, an application for the renewal of the certificate of compliance to the Service on the prescribed form: Provided that if the Service for some reason requires a plan of the premises in question for the purpose of the renewal application, the plans must accompany the application.
- b. The Service may send a reminder in respect of the renewal.
- c. Where a building is utilized and accordingly classified as a A-type occupancy, in terms of the National Building Regulations, the Chief fire Officer may issue such certificate for a period of not exceeding one calendar year. All other erf, stands, or premises shall be issued with validity not exceeding five years.

10. Where so required by the Chief Fire Officer the attendance of the Service shall be provided for.

11. *Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence.*

22. WATER SUPPLY FOR FIRE-FIGHTING

1. In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection Against Fire) as well as SANS 11200 specifications. The Red Book Guidelines for the provision of Engineering Services and Amenities shall also be applicable.
2. 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 Bylaws;
 - 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.
3. Subsection (1) (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 separate supply main and pump; and
 - c. the reservoirs are connected to each other.
3. 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 for more than 150 meters in any high risk area or for more than 300 meters 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 as contemplated in subsection 4, the water reticulation system is adapted without delay so as to comply with the requirements of subsections 4 and subsection 5.
4. The Service must inspect fire hydrants 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 following volume and duration:

Fire Risk Category	Minimum volume of extinguishing stream (Litres per minute)	Minimum duration of extinguishing stream (hours)
High Risk	11 500	6
Moderate Risk	5 750	4
Low Risk	2 300	2

TOWNSHIP DEVELOPMENT FIRE HYDRANT REQUIREMENTS

5. 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:

Fire Risk Category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High Risk	1980	120
Moderate Risk	1150	180
Low Risk	900	240

6. Every person who develops or redevelops a township must ensure that the positions of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

FIRE RISK CATEGORIES

7. For purposes of sections 21.5 and 21.6, the following areas of a township must be regarded –
- as high risk –
 - any factory area, high density shopping area, warehouse or commercial building;
 - any plantation, timber yard or wooden building;
 - any building higher than 3 storeys;
 - any building in which hazardous substances are used, handled or stored or in high hazardous processes are conducted; and
 - any other area that has a high fire risk or high fire spread risk;
 - as moderate risk –
 - any area in which-
 - factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
 - the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;
 - any area where the fire risk and spread risk of fire is moderate; and
 - any other area that is not a high or low risk area; and
 - as low risk –
 - any area that is mainly residential or semi-rural;
 - any area that has predominantly detached, duet, cluster or town house developments; and
 - any area where the fire risk or risk of spread of fire is slight or insignificant.

CONNECTIONS TO WATER RETICULATION SYSTEM

8. No person may obtain a water connection to the water reticulation system of the Council unless they submit a complete set of approved fire protection plans for the premises to the Services, as contemplated in Regulation A9 of the National Building Regulations, to determine the water connection of the Service and the plans have been approved by the Chief Fire Officer.
9. Every person or owner of premises who requires a water connection to the water reticulation system of the Council must –
- If the premises to be connected are protected by a sprinkler installation, ensure that –
 - the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
 - the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - If the Chief Fire Officer requires a larger water connection for purposes of fire fighting, provide the larger water connection;
 - 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
 - ensure that the water installation upon completion complies with the provisions of SABS-1:1994.

23. REGISTRATION APPLICATIONS FOR EXISTING PREMISES

1. If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed in Annexure II of these by-laws, will be renewed, unless and until all appropriate provisions of these by-laws regarding an original application have been complied with.

2. No additions or alterations may be made to any existing registered premises unless and until –
 - a. the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
 - b. The Building Control Officer and the Chief Fire Officer have approved the plan.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

PART IV

DANGEROUS GOODS

24. APPLICATION FOR APPROVAL OF PLANS

1. Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, aboveground and underground installations and any other structures are to be erected for the use, storage and handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
2. The prescribed fees payable to the Service for the approval of plans are determined in Annexure I Part 4 of these by-laws, but exclude the fees charged by the Building Control Officer for the approval of plans.
3. The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of “minor building work”) unless the official certification of submission of the Building Control Officer appears on it.
4. No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Fire Safety Section of the Service, as the case may be. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
5. The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
6. An MSDS (Material Safety Data Sheet) box, as described in Annexure IV shall be installed in a prominent place at the main entrance of the premises.
7. ***Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.***

25. ISSUING OF CERTIFICATES OF REGISTRATION

1. No person may on any premises use, handle or store quantities of dangerous goods in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II of 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 to be exceeded, the provisions of this section are not applicable.

Group I: Explosives

Fireworks	No exemption
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Group II: Gases

2.1. Flammable gases	Total cylinder capacity may not exceed 14kg
2.2. Non-flammable gases	Total cylinder capacity may not exceed 14kg
2.3. Toxic gases	No exemption

Group III: Flammable liquids

3.1. With flash points > 18°C	Total quantity may not exceed 40L
3.2. With flash points > 18°C	Total quantity may not exceed 40L
But < 23°C	

3.3. With flash points > 23°C Total quantity may not exceed 200L

But <61°C

3.4. With flash points > 61°C Total quantity may not exceed 200L

But < 100°C

3.5. With flash points >100°C Total quantity may not exceed 500L

Group IV: Flammable solids

4.1. Flammable solids Total quantity may not exceed 250kg

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 200kg

5.2. Group I organic peroxides No exemption in packets

5.3. Group II organic peroxides Total quantity may not exceed 200kg in packets

Group VI: Toxic/infective substances

6.1. Group I toxic substances in Total quantity may not exceed 5kg Packets

6.2. Group II toxic substances Total quantity may not exceed 50kg in packets

6.3. Group III toxic substances Total quantity may not exceed 500kg in packets

6.4. In effective substances No exemption

Group VII: Radioactive materials No exemption

Group VIII: Corrosive/caustic substances

8.1. Group I acids in packets Total quantity may not exceed 50kg

8.2. Group II acids in packets Total quantity may not exceed 200kg

8.3. Group III acids in packets Total quantity may not exceed 1000kg

8.4. Group I alkaline substances Total quantity may not exceed 50kg in packets

8.5. Group II alkaline substances Total quantity may not exceed 200kg in packets

8.6. Group III alkaline substances Total quantity may not exceed 1000kg in packets

Group IX: Miscellaneous substances

9.1. Liquids Total quantity may not exceed 210L

9.2. Solids Total quantity may not exceed 210kg

2. No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled in such place or in such manner as to ensure that
 - a. no dangerous goods or fumes of the substances come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
 - b. the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.

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3. No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
 4. No certificate of registration will be issued in the respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
 5. When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate
 - a. must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
 - b. must be maintained in a legible condition at all times;
 - c. must reflect the groups and the quantities of dangerous goods for which the premises 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 dangerous goods and reflect the volumes intended for each facility;
 - h. must reflect a serial number;
 - i. must indicate whether the issue of such certificate is permanent or temporary;
 - j. must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
 - k. The Chief Fire Officer may cancel any certificate of compliance in respect of a building does not comply to these By-laws.
 - l. Is not transferable from premises to premises;
 - m. must, subject to the provisions of section 22 of these by-laws, be transferable from owner to owner and/or from 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.
 - n. will not be issued unless the Service is in possession of a set approved plans as required by section 23 of these by-laws; and
 - o. will not issued or renewed unless the prescribed application form has been completed in full and has been submitted.
 6.
 - 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 dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
 - b. The 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.
 7. 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.
 8. The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
 9. Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with
 - a. subject to the provisions of subsection (6), portable fire extinguishers – as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type); in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
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- b. if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply –
 - i. as contemplated in SABS 0400 (Part W); and
 - ii. that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
 - c. if applicable, fire hydrants –
 - i. with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment-couplings; and
 - ii. in a ratio of at 1 to every 1000 square meters or part thereof, and
 - d. if applicable, in relation to any above-ground facility, a sprinkler system or deluge system that –
 - i. is approved by the Chief Fire Officer; and
 - ii. with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
10. Notwithstanding the provisions of subsection (9), 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.
11. The holder of any certificate of registration or other authorization contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (9) –
- a. is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer-
 - i. by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - ii. at least every 12 months;
 - b. if installed outside the premises, is adequately protected from the weather; and
 - c. is positioned prominently or where this is not possible, the position of the fire fighting equipment is clearly indicated by a symbolic safety sign-
 - i. in accordance with the specifications of SABS 1186; and
 - ii. to the satisfaction of the Chief fire Officer.

AMMENDMENT TO CERTIFICATE OF REGISTRATION

12. The Chief Fire Officer may amend any certificate of registration on application by the holder.

CANCELLATION OF CERTIFICATE OF REGISTRATION

13. The provisions of section 20, read with the necessary changes, apply to any cancellation by the Chief fire Officer of a certificate of registration.

RENEWAL OF CERTIFICATE OF REGISTRATION

14. Any application for the renewal of a certificate of registration must be submitted to the Chief Fire Officer at least 30 days prior to the expiry date of the certificate.

NO AUTHORISATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS

15. No certificate of registration contemplated in section 24 or any other authorization 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 stationary engine if the volume of the fuel tank does not exceeds 1000 litres.

RECORD OF CERTIFICATE OF REGISTRATION

16. The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.
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- 17. 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.**

26. SUPPLY OF DANGEROUS GOODS

1. No person may –
 - a. supply more dangerous goods than the quantities referred to in section 24 (1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied.
 - b. deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
2. No person may handle any container containing a dangerous good in a manner that will damage or may damage that container, or permit the container to be damaged.
3. **Any person who fails to comply with the provisions of this section is guilty of an offence.**

27. EXEMPTIONS

1. Notwithstanding anything to the contrary in these by-laws
 - a. flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
 - b. flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary vehicle engine: Provided that the volume of the fuel tank does not exceed 1 100 litres and the fuel tank is surrounded by a liquid-proof retaining wall: Provided further that the fuel tank must 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.**

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

1. Any holder of a certificate of registration or spraying permit must, at least one month prior to the expiry date of the permit, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
2. The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.
3. **Any person who fails to comply with the provisions of this section is guilty of an offence.**

29. TEMPORARY STORAGE OF DANGEROUS GOODS

1. The Service may grant a temporary certificate of registration for a period of not more than three months to any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities in section 24 (1) of these by-laws: Provided that –
 - a. if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 9000 litres;
 - b. an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by section 23 of these by-laws; and
 - c. the duration of the temporary storage is at the discretion of the Chief Fire Officer, but not exceeding 12 months.
 2. Any person whose application for a temporary storage tank is approved must ensure that it comply with the applicable South African National Standard. Provided that the storage tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
 - a. provision is made for the run-off of any possible rain water from the retaining walls or retaining embankments;
 - b. the storage tank is not erected within 5m of any erf boundary, building, excavation, road, open flames and/or driveway;
 - c. no source of ignition or potential ignition is brought within 5m of the storage tank;
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- d. symbolic signs prohibiting smoking and open flames, at least 200mm x 300mm in size, are affixed to all sides of the temporary installation; and
- e. a minimum of two 9kg dry chemical powder type fire extinguishers are installed within 10m of the temporary installation.
- f. HAZMAT signs must be provided on the tanks.

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

30. DELIVERY OF DANGEROUS GOODS

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

31. PROHIBITION OF CERTAIN ACTIONS

1. Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –
 - a. perform any act or action, or have any act or action 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 dangerous goods into any borehole, pit, sewer, drain system or surface water, or permit any dangerous good to be dumped in or spilled into any borehole, pit sewer, drain system or surface water.
 3. No person may dump any dangerous good in any manner other than by having the substances removed or permitting the substances to be removed by an organization that is fully equipped to do so.
 4. No person may light, bring or use, within 5m of any area where, to his/her knowledge, dangerous goods 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 dangerous goods 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 connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
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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 dangerous good in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
7. Deliver or supply or allow delivering or supplying of, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.
8. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

32. "NO SMOKING"

1. The owner of a building must, in areas where flammable and/or explosive dangerous goods are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SANS 1186 and of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.
2. ***Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.***
3. ***Any person who disregards the prohibition in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.***

33. FIRE-FIGHTING EQUIPMENTS AND MITIGATING AGENTS

1. Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 24 of these by-laws and/or spraying permit in terms of section 48 (1) 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 10 (dry chemical type), SANS 1573 (foam type) and SANS 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 100m² or part of it: provided that 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 reels), connected to a water supply as reflected in Part W of SANS 100400, enabling each hose reel to maintain a flow of 0,5 litres per second at a work rate of 300kPa;
 - c. fire hydrants, with couplings as specified in SANS 1128, Part II (Fire-fighting equipment Couplings), in a ration of at least one to every 1000m² or part of it; and
 - d. approved sprinkler systems in accordance with SANS 10087, SANS 10089 and SANS 10131.
2. 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.
3. If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
4. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

34. REPORTING OF FIRES, ACCIDENTS AND DUMPING

1. The occupier of any premises must immediately report any fire, accident or dumping involving dangerous goods 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.***

35. SAMPLING

1. Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may have a sample taken, by a suitably authorized person or company, of any substances for analysis: Provided that –
 - a. sample so taken must be taken in the presence of the owner or occupier or any other third party;
 - b. any sample must be divided into two equal parts and be sealed in similar suitable 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
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- c. Any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be. The taking of the sample shall also be for the cost of the owner.

36. STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

1. The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of section 37 of these by-laws, the tank, installation or device or have the tank or device removed, in order to render the tank safe.
2. 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 flammable 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 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 days of the cessation; and
 - d. to the satisfaction of the Council, 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.
3. Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.
4. ***Any person who fails with the provisions of this section is guilty of an offence.***

37. 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 dangerous good, 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, Part I, as amended.
2. No person may enter any storage tank which contained Group III dangerous good unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
3. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

38. 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 II to these by-laws.
 2. Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever –
 - a. anything is removed temporarily for carrying out repairs or in connection therewith;
 - b. any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - c. any above-ground or underground storage tanks are replaced with tanks of the same capacity.
 3.
 - a. No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 23 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 compliance, spraying permit and/or certificate of registration in accordance with the provisions of Part IV, DANGEROUS GOODS, of these by-laws.
 4. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***
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39. GROUP I DANGEROUS GOODS**CONTROL OF FIREWORKS****Use of fireworks prohibited in certain circumstances**

1. Unless so authorized in terms of section 38.4, no person may use fireworks –
 - a. within 500 meters of any explosives factory, explosives storage place, petrol depot or petrol station;
 - b. inside any building;
 - c. on any agricultural holding;
 - d. at any public place; or
 - e. at any school, old age home or hospital.
2. No person may light or ignite fireworks in any place where animals are present.
3. Unless so authorized in terms of section 38.4, no person may light or ignite fireworks on any day or at any time except –
 - a. New Years Eve from 23h00 to 01h00;
 - b. New Years Day from 19h00 to 22h00;
 - c. Hindu New Year from 19h00 to 22h00;
 - d. Lag b'omer from 19h00 to 22h00;
 - e. Chinese New Year from 19h00 to 22h00;
 - f. Human Rights Day from 19h00 to 22h00;
 - g. Freedom Day from 19h00 to 22h00;
 - h. Guy Fawkes Day from 19h00 to 22h00;
 - i. Divali from 19h00 to 22h00;
 - j. Christmas Eve from 19h00 to 22h00; and
 - k. Day of Goodwill from 19h00 to 22h00.
4. No person may allow any minor under his/her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Fireworks displays prohibited unless authorized

5. No person may present a fireworks display unless –
 - a. authorized to do so by the Council as contemplated in section 38.4;
 - b. authorized to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
 - c. the display is at all times under that person's supervision and control;
 - d. the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
 - e. that person has ensured that –
 - i. an area with a radius of at least 50 meters is clearly demarcated for the launching of fireworks at the display; and
 - ii. measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
 - f. a pyrotechnist is at all times present and responsible for the use of fireworks at the display.
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Application to present fireworks display

6. Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorization by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
 - a. Proof of permission for the fireworks display from the Civil Aviation Authority;
 - b. proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
 - c. a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - d. a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
7. 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.

Authority to present fireworks display

8. If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.
9. The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under supervision and control of an official designated by the Council.

Dealing in fireworks

10. No person may deal in fireworks unless –
 - a. that person holds the required fireworks license in terms of the Explosives Act; and
 - b. has the written authority of the Chief Fire Officer.
 - c. Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (38.5)(1)(b), must –
 - i. complete an application in the form and manner determined by the Council; and
 - ii. submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
 - d. 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.
 - e. All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232, of the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
 - f. The legislation rests with SAPS (specifically the Chief Inspector of Explosives).
 - i. The Local Municipality does not issue any license, but must submit a recommendation to the Chief Inspector of Explosives, where it is indorsed by the Chief Fire Officer indicating that there are no outstanding requirements.
 - ii. The owner/occupant must comply with Section 20 of these by-laws and such certificate is valued for a period of not exceeding one calendar year.
 11. Fireworks display must be approved by the Chief Fire Officer and;
 - a. subjected to the requirements as approved.
 - b. an application must be done at the Fire Service.
 - c. the application form must be accompanied by the proof of payment fees prescribed in Annexure I to these By-laws; and
 - d. the application must be submitted for processing to the office of the Fire Service at least fourteen (14) working days prior to the display.
 12. No fireworks of any form or kind will be displayed on pavements, hawker's spots and anywhere not regulated by section
 - 13. Any person who fails to comply with the provisions of this section is guilty of an offence.**
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40. GROUP II DANGEROUS GOODS**Portable Containers**

1. All portable metal containers and related devices for Group II Dangerous Goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.
2. All portable containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 019 and SANS 10087, Parts I to VIII, as the case may be.
3. All portable containers for Group II dangerous goods must at all times be transported, stored and/or installed in a vertical position.
4. Every flammable 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.
5. Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained as well as any hazard associated with the flammable liquid.
6. No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap. (
7. Any empty flammable liquid container must be stored in a storeroom.
8. Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that –
 - a. the storage area is in a position and 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 10 m² 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.
9. When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.

Bulk Containers

10. All bulk containers for Group II Dangerous Goods must be designed, manufactured, maintained and installed in terms of the provisions on the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019, SANS 10087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

Manifold Installations

11.
 - a. No Group II Dangerous Good 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, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 litres inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that liquid petroleum gas will only be permitted indoors on condition that the prospective user is sufficient natural ventilation in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralized as not to be within the recognized explosive limits for the gas in accordance with SANS 10087 codes.
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- i. Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulations A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
 - ii. Scientifically based detailed calculations and tests must be the basis of such proof.
- 12.
- a. No person may, without the permission of the Chief fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
 - b. In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
 - c. The provisions of section 39(5)(b) of these by-laws are applicable *mutatis mutandis* to this subsection.
13. 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 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.
14. The installation within the area of underground pipelines for any Group II Dangerous Goods and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of section 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

Underground pipelines

15. Any underground pipeline for a Group II Dangerous Good 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 1600 litres per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. 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 consumer's 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 16m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the controlling authority and the owner of the pipeline.

Use, handling and storage of liquefied petroleum gas

- 16.
- a. No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Annexure V unless –
 - i. a. the person is in possession of a certificate of registration contemplated in section 24; and
 - ii. the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 10087, Parts 1, 3, 7 and 10.
 - b. Liquid petroleum gas may only be used, handled or stored within the property boundaries and in compliance with the safety distances stipulated in SANS 10087, Parts 1, 3, 7 and 10.
 - c. Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 10087, Part 7.
 - d. No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without prior written permission of the Chief Fire Officer.
 - e. An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.
 - f. 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.
 - g. Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

Display of symbolic warning signs required

- 17.
- a. The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –
-

- i. prohibiting smoking and open flames;
- ii. of a size and number determined by the Chief Fire Officer; and
- iii. prominently in places where the signs can be clearly observed. (2) No person may disregard or allow to be disregarded any prohibiting on a symbolic sign displayed in terms of subsection

Duty to report fires, accidents and dumping

18. If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Chief Fire Officer.
19. ***Any person who fails to comply with the provisions of this section is guilty of an offence.***

41. GROUP III DANGEROUS GOODS

Tank Manufactures

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

42. INSTALLATION OF STORAGE TANKS

1. Any storage tank for Group III Dangerous Goods must be installed in accordance with the provisions of SANS 10400, SANS 10089, Parts I, II, and III, SANS 10131, SANS 0108 and SANS 086, as the case may be: Provided that –
 - a. all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131, Parts I, II and III, as the case may be;
 - b. all pumps and filling devices installed indoors must be in a purpose-built, registered premises;
 - c. temporary installations must be approved and for not more than six months;
 - d. no aboveground tanks classification as Class II and III in SANS 10131 Part I will be allowed in urban areas, except if it is a bulk depot according to SANS 10089 Part I.
 - e. no aboveground tank with classification as Class II will be allowed in rural areas unless it's been approved by the existing zoning of the land used in terms of the Town planning scheme for resale purposes.
 - f. a maximum of three BTF tanks will be allowed, as contemplated in subsection (1) (e);
 - g. additional safety distances for aboveground tanks with classification, Class III according to SANS 10131 for diesel in rural areas (farms) will be 15 meter from any boundary fencing, building, open flames and any other inflammable liquid stores;
 - h. all installations, as contemplated in subsection (1)(a) and
 - i. (g), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
2. The installation within the area of underground pipelines for any Group III dangerous goods, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

Permanent above ground storage tanks for flammable liquids

3. In addition to any other requirement of this Chapter, 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, Part I;
 - ii. at least 3.5 meters 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 0232, Part 1.
4. Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 10089, Part 2.

Underground storage tanks for flammable liquids

5. The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS 10089, Part 3 and SANS 10131.
6. *Any person who fails to comply with the provisions of this section is guilty of an offence.*

Note: No aboveground tank used to store diesel in rural areas may be used for resale purposes. If used for diesel resale it will be deemed a filling station and must comply with SANS 10089, Part 3.

PART V**CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS****43. SERVICE TRANSPORT PERMIT**

1. The owner of any vehicle used for transporting flammable substances in the area must, have a valid transport permit issued by the Chief Fire Officer in terms of the SANS Standards 1398, 1518, 10228, 10299, 10230, 10231, 10232 and 10233 for transporting flammable substances and in accordance to the National Road Traffic Act: Provided that
 - a. each vehicle for which such a permit has been issued must comply with the provisions of section 42 of these by-laws;
 - b. the application form, provided for in Annexure II to these By-laws and obtainable from the Service, must be completed correctly and in full;
 - c. the application form must be accompanied by the fees prescribed in Annexure I to these by laws; and
 - d. the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
 - e. ensure that the transport permit is available in the vehicle for inspection at all times.
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 dangerous goods to be transported;
 - f. indicate the registration number of the vehicle in question;

Requirements of transport permits

3. A transport permit –
 - a. must not be issued by the Chief Fire Officer for a period longer than 12 months; and
 - b. must-
 - i. indicate the date of issue and expiry;
 - ii. identify the issuing officer and bear that officer's signature;
 - iii. contain a serial number;
 - iv. indicate the group and quantity of dangerous goods that may be transported under the permit; and
 - v. contain a description of the vehicle concerned, including its registration numbers.

Cancellation of transport permit

4. The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.
 5. 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.
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Design, construction, maintenance and repair of road tankers

6. Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must-
- comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 10087, Part 6, SANS 10089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
 - ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.

Design, construction, maintenance and repair of other vehicles

7. Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle –
- is designed and constructed-
 - to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
 - is equipped with-
 - a safety edge or safety railing-
 - at least 1 meter high when measured from the surface of the body of the vehicle; and
 - capable of securing dangerous goods containers;
 - strong and durable straps-
 - capable of fastening dangerous goods containers securely to the body of the vehicle;
 - that are anchored firmly to the bodywork of the vehicle; and
 - that are fitted with a reversible cog winch mechanism that can be locked;
 - electrical wiring that complies with SANS 314;
 - at least 2 static-free wheel blocks;
 - a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicles' battery and in a position readily accessible in any emergency; and
 - a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General prohibitions regarding the transport of dangerous goods

8. No person may use or allow to be used, any vehicle to transport dangerous goods, unless:
- the vehicle has a valid roadworthy certificate;
 - if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers –
 - designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
 - positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
9. No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

Supply of dangerous goods prohibited in certain circumstances

10. No person may deliver or supply or allow to be delivered or supplied any dangerous Goods of a type and in a quantity exceeding that is specified in Annexure V to any premises that are not registered as contemplated in section 35.
11. No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
12. No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
13. Every person who delivers dangerous goods must ensure that
- 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - while delivering-
 - the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency.
 - the delivery vehicle is not parked on or across a pavement or a road;
 - 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 and the provisions of SANS 0263;
 - e. any device connected with, or used for, the delivery of the dangerous goods –
 - i. is designed for its purpose; and
 - ii. is maintained in safe and good working condition; and
 - f. no dangerous goods are spilled during delivery.
14. No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
15. 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.
- 16. Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.**

PART VI

STOREROOM FOR DANGEROUS GOODS

44. REQUIREMENTS FOR STOREROOMS

Capacity

1. The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 24 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the store room.

Danger notices in storeroom

2. No person may use any storeroom or permit any storeroom to be used for Group III Dangerous Goods, unless –
- a. symbolic safety signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed at the storeroom; and

Display of certificate of registration

3. The certificate of registration for 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 flammable liquid storerooms

(Excluding storerooms in recognized bulk depots and bulk installations)

4. The construction of any store room must be in accordance with the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- a. the storeroom floor must consist of concrete;
 - b. The storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - c. the storeroom roof must consist of-
 - i. reinforced concrete with a fire resistance of at least 120 minutes; or
 - ii. any other non-combustible material, if the storeroom-
 - aa. is not situated within 5 meters of any adjacent building or boundary of the premises; or
 - bb. adjoins a higher wall with no opening within 10 meters above and 5 meters on either side of the storeroom.

Doors

5. 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 approved by the Chief Fire Officer.
-

- b. whenever the distance to be covered from any storeroom is 4m 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. if it is built according (4)(c)(ii) aa and bb the door can be of non-combustible material.
- d. any door providing access to a storeroom must at times be capable of being opened easily from the inside without the use of a key.

Windows

- 6. All window frames must be manufactured of steel and must
 - a. be fitted with wire woven glass with a minimum thickness of 8mm; and
 - b. have window panels with a maximum size of 450mm x 450mm: Provided that no window must be capable of being opened.

Catch pit

- 7. Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –
 - a. the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;
 - b. if required by the Chief Fire Officer the catch pit must be covered at door sill level with 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 and an access hatch for cleaning purposes must be place in a suitable position on the grill floor; and
 - c. the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for the product recovery.

Ventilation

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

Natural ventilation

- 9. The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140mm x 215mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0.5mm: Provided that the airbricks are
 - a. provided in at least three external wall; and
 - b. positioned 100mm above the level of the sill and 100mm below the roof and more than 450mm apart.

Mechanical ventilation

- 10. Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that
 - a. the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour.
 - b. the vanes of the system must be manufactured from static-free material;
 - c. the fumes must be released into the open air and the outlets must not be within 5m 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, 100mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.
 - g. with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 mm above the level of the sill to ensure effective cross-ventilation; and equipped with ducting material that –
-

- i. is as short as possible in the circumstances and does not have sharp bends; and
- iii. is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment

11. The owner or person in charge of a storeroom must ensure that
- a. all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate classification 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 that 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 fitting and any device in or in connection with a storeroom are earthed effectively with each other and the storeroom;
 - d. switches actuating any mechanical ventilation system are situated outside the store room;
 - e. any mechanical ventilation system is on at all times during occupation, 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 system, are switched off.

Electrical installations installed by qualified electricians

12. 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

13. Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that
- a. the storeroom is not constructed within 3meters of any other building and/or the boundary of the premises;
 - b. the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of dangerous goods able to be stored in the storeroom, plus 10%, and
 - i. the floor of/or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination; and
 - ii. where the storage is effected outside a flammable liquid storeroom, this is allowed when the storage is not within 15m of any ignition source.

Unauthorized access

14. No person may –
- a. without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
 - b. use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable 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.

Foam inlets required for certain storerooms

15. The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure –
- a. that the storeroom is provided with a foam inlet consisting of a 65mm 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 mm high,
 - c. displaying the words “foam inlet”.
-

Shelving in storerooms

16. 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.

Mixing and decanting rooms

17. The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Annexure IV are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

Hand tools must be intrinsically safe

18. The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
19. ***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.***

45. KEEPING AND HANDLING DANGEROUS GOODS IN STOREROOM

1. Any storeroom referred to in section 45 of these by-laws may be used for keeping any Grouped Dangerous Goods, with the exception of Group I Dangerous Goods (explosives), as defined in section 2 (1) of the Dangerous Goods Act, 1973: Provided that all chemically reactive Dangerous Goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend the bottom of the catch pit to 1m above the highest stack of each group inside the storeroom.
2. Notwithstanding the provisions of section 46 of these by-laws, any Grouped Dangerous Good contemplated in this section, with the exception of Group I Dangerous Goods (explosives), may also be stored, and kept in terms of SANS 10263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 22, 23 and 24 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.***

PART VII**SPRAY-PAINTING MATTERS AND SPRAYING PERMITS****46. REGISTRATION OF SPRAY-PAINTING ROOMS****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 45.2;
 - b. the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

2. Any person who wishes to obtain a spraying permit must –
 - a. complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and
 - b. pay the prescribed fee.

Cancellation of spraying permit

3. The provisions of section 20, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

Duties of owner, occupier or person in charge of spraying room

4. Every owner, occupier and person in charge of a spraying room must ensure that –
 - a. the spraying room complies with the requirements of this Chapter; and
 - b. every other person on the premises complies with the provisions of this Chapter.
-

Design and construction of spraying rooms

5. Every spraying room must be designed and constructed according to the following criteria:
- a. every window frame must consist of steel with window panels –
 - i. that cannot be opened;
 - ii. that do not exceed 450 millimetres x 450 millimetres in size; and
 - iii. that are fitted with wire woven glass with a thickness not less than 8 millimetres;
 - b. if based on a brick and concrete construction –
 - i. the floor must consist of concrete;
 - ii. the walls must consist of brick or concrete;
 - iii. the roof must consist of reinforced concrete; and
 - iv. every door must consist of a Class B-type fire doors as contemplated in SANS 1253; and
 - c. if based on a metal structure –
 - i. the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5mm;
 - ii. the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3mm;
 - iii. the framework of the entire structure must be fume-proof, flame-proof and liquid-proof.
 - iv. the floor must consist of concrete or metal;
 - v. all material used must have a fire integrity grading of at least 60 minutes; and
 - vi. the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

Water floors for spraying rooms

6. Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that
- a. the water is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room, and
 - b. the water in the sunken water floor is circulated through an effective non combustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

Electrical equipment in spraying rooms

- 7.
- a. Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 0108.
 - b. Any switch gear, distribution boxes, fuse and other electrical equipment, except equipment as contemplated in SANS 0108 must –
 - i. be located outside the spraying room; and
 - ii. be positioned so as not to come into contact with fumes from the spraying room.
 - c. Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
 - d. Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
 - e. Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must
 - i. certify in writing that the installation complies with all applicable legal requirements; and
 - ii. furnish the certificate to the owner or person responsible for the premises concerned.
 - f. The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

Location of spraying rooms

- 8.
- a. The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned.
 - i. of at least 1200 mm wide; and
 - ii. that must at all times be kept free of any obstruction, refuse or combustible material.
-

- b. If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall –
 - i. of a height at least 300 mm higher than the roof of the spraying room; and
 - ii. with a fire resistance of at least 60 minutes.
- 9. No more than two sides of a spraying room contemplated in section 45(5)(c), may border a fire partition wall.

Access to spraying rooms

10. 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 mm wide x 2000 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 meters; 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.

Ventilation of spraying rooms

11. Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed
- a. so that ventilation of at least 0.5 meters per second is provided across the spraying room;
 - b. with vanes consisting of static-free material;
 - c. so that it releases fumes into the open air from outlets that are not located within 5 meters of any opening of a building or erf boundary.
 - d. with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
 - e. with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
 - f. with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

Fire dampers, protectors and alarms in spraying rooms

- 12.
- a. A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
 - b. The fire damper must
 - i. be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
 - ii. be installed so that it will remain in position even if the air duct distorts during a fire; and
 - iii. be equipped with an overriding fusible link.
 - c. The ventilation system must be equipped with a sensor that –
 - i. is 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 a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - ii. activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and positioning of ventilation outlets for spraying rooms

13. Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least –
- a. meter above any roof on the premises;
 - b. 4 meters above the ground level; and
 - c. 5 meters from any opening of a building situated on or adjacent to the spraying room.
-

Display of signs on spraying rooms

- 14.
- a. A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
 - b. Any symbolic sign contemplated in subsection (1), must be –
 - i. manufactured and installed in accordance with SANS 1186; and
 - ii. of dimensions at least 290mm x 290mm.

Manifold installations in spraying rooms

15. 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, Part 1; and
 - b. the requirements of these By-laws.

General prohibitions regarding spraying rooms

16. No person may –
- a. use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 45.13;
 - b. enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;
 - c. use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
 - d. enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
 - e. place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying rooms

- 17.
- a. Every spraying room must be equipped with –
 - i. at least one 9kg dry chemical fire extinguisher installed on the inside of the spraying room; and
 - ii. at least one 9kg dry chemical fire extinguisher installed on the outside of the spraying room.
 - b. Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
 - c. Every spraying room must be protected by at least one fire hose reel as specified in SANS 543 –
 - ii. that is connected to a water supply as contemplated in SANS 10400, Part W; and
 - iii. that enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300kPa.
18. No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or part thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III Dangerous Good or with liquid compounds of a Group III Dangerous Good, or with any Dangerous Good, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II of these By-laws.

Prohibition of certain actions

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

Display and conditions of spraying permit

20. A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
-

- b. The spraying permit must be legible at all times.
- c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
- d. A serial number must be indicated on the spraying permit.
- e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.
- f. The spraying permit is not transferable from premises to premises.
- g. In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these By-laws, transferable from control to control or from owner to owner on the same premises: Provided that –
 - i. application must be made for transfer to the 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 referred to in section 23 of these By-laws.
- i. The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
- 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 I 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.
 - iv. 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.
 - v. 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.

21. 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.

47. 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 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
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 2,5mm.
 - b. The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
 - c. If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
 - d. The floor must be of concrete or metal;
 - e. The window must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
 - 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 subsection (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 SANS 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 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 800mm x 2000mm in extent;
 - iii. be positioned on 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 4m; 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 1200mm 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 1200mm 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 300mm higher than the roof of the spraying room.
 - d. Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that no more than two sides of the spraying room may border the firewalls.

Water floors

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

Electrical equipment

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

Mechanical ventilation

12.
 - a. Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: provided that
 - i. the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0.5m/s;
 - ii. The vanes of the system must be manufactured from static-free materials;
 - iii. the fumes must be released into the open air and the outlets must not be within 4.5m of any of a building or erf boundary;
 - iv. all ventilators must be attached firmly to the inside of the walls;
 - v. the bottom ventilators must be affixed as close as possible to the level of the floor; 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.
 - vii. every spray room shall have at least one of its doors fitted with an un-open able strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.
-

Fire dampers, fire detectors and fire alarms

13. A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of 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-
- a. 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;
 - b. be so installed that the damper will remain in position even if the air duct distorts during a fire; and
 - c. be provided with any overriding fusible link.
14. The sensor contemplated in subsection (12)(b)(i) must also-
- a. 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
 - b. activate a visual and audible alarm inside and outside the spraying room.

Positioning of ventilation outlets

15. All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof or 3.6m above the ground level and at least 4.5m from any opening of a building.
16. 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

17. 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 290mm x 290mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

18. All spraying rooms must be maintained at all times in accordance with the provisions of this section and the manufacturer's specifications. Proof of such maintenance must be provided upon request from a member.

Unauthorized access

19. 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

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

Provision of fire-fighting equipment

- 22.
- a. Any spraying room must have a 9kg dry chemical fire extinguisher on the outside, which must be installed in a position determined by the Chief Fire Officer.
 - b. All spraying rooms must be protected by a fire hose reel referred to in section 32(1)(b) of these bylaws.
-

Drying kiln/heating devices

23. Whenever any manifold installation of a Group II Dangerous Good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, Part 1, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.

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

PART VIII**ANIMALS****48. HANDLING OF 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, stable, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may –

- a. authorize a suitable qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
- b. recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.

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

PART IX**PENALTIES****49. PENALTIES FOR CONTRAVENTIONS**

Any person who contravenes or fails to comply with any provisions of these By-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by chief fire officer or a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R5000-00 or in default of payment, liable to imprisonment for a period not exceeding six months.

PART X**GENERAL****50. OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

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.

51. REPEAL OF BY-LAWS

The following by-laws are hereby repealed:

The existing municipal fire service by-laws of all four local municipalities within the district of Fezile Dabi municipality:

- a. Mqhaka Fire By-laws
- b. Mafube Fire By-laws
- c. Ngwathe Fire By-laws
- d. Metsimaholo Fire By-laws

52. SHORT TITLE

These By-laws are called the Emergency Service: Fire By-Laws. Their provisions come into operation on a date fixed by proclamation in the Government Gazette.

PART XI**ANNEXURES****ANNEXURE I****PAYMENT****20. FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 AND 7 OF THE FIRE BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING EMERGENCY SERVICES**

1. A controlling authority may, subject to any condition contemplated in section 11 (2)(a) of Act 99 of 1987, determine the fees payable by a person on whose behalf the service of the controlling authority is applied –
 - a. for the attendance of the service;
 - b. for the use of the service and equipment; or
 - c. for any material consumed.
- b. A person, on whose behalf, in the opinion of the Chief Fire Officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that Chief Fire Officer for the payment of the fees referred to in subsection (1) or any portion thereof.
- c. The prescribed fees payable to the Service as determined in to these By-laws.
- d. Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned.
- e. As soon as an objection contemplated in subsection (4) is received that Chief Fire Officer of the controlling authority concerned shall without delay obtain 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.
- f. A certificate purporting to be signed by a Chief Fire Officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be *prima facie* proof of the amount payable by the person mentioned therein.

2. TRAINING

- a. Whenever a member of a service with the approval of his employer attends a course at such training institution, that employer shall pay the training institution the costs of such attendance according to a tariff determined by the training institution concerned.

3. FEES FOR EMERGENCY SERVICES

1. All fees shall be as determined in terms of Section 80B of the Local Government Ordinance 1939, read with Section 7 of the Rationalization of Local Government affairs Act, Act 10 of 1998 and section 74 and 75 of the Local Government Municipal System Act, 32 of 2000 and as published in the Government Gazette.

4. GENERAL DIRECTIVES FOR THE PAYMENT OF THE FEES

1. All certificates of registration, certificates of compliance and/or spraying permits will be valid for twelve calendar months. A written application for the renewal of the certificate or permit must reach the Service at least one calendar month prior to the expiry date thereof.
2. When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
3. All the appropriate forms are available from the Service and must be completed in full and, where applicable, be duly signed.
4. If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of compliance or any permit, the applicant must, within 14 days (excluding weekends and public holidays) of the date of rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
5. If there are different divisions and/or affiliates within a business and/or company situated on the same premises but each division and/or affiliate is managed separately, each division and/or affiliate is liable to registration separately.

5. EXEMPTION FROM PAYMENTS OF CHARGES

No charges shall be payable where –

1. a false alarm has been given in good faith;
2. the services were required as a result of civil commotion, riot or natural disaster;
3. the services were rendered in the interest of public safety;
4. the Chief Fire Officer is of the opinion that the services were of purely humanitarian nature or were rendered solely for saving life.

Outside the Fezile Dabi District Municipality the service will be determined by the Service Level Agreements.

OFFICIAL DOCUMENTS

1. GENERAL

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. 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 postcode (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:
 - a. **“Application for a bulk depot certificate of registration” or “Bulk depot certificate of registration”.**
 - b. **“Application for a certificate of compliance”**
 - c. **“Application for a certificate of registration/spraying permit” or “Certificate of registration /spraying permit”**
 - d. **“Application for a transport permit” or “Transport permit”**
 - e. **“Application for approval of plans” or “Application for inspection for the issuing of a Certificate of occupancy”**
3. Any other relevant information, such as:
 - a. the groups and subgroups of dangerous goods for which registration is required.
 - b. the required quantity of each group of dangerous good.
 - c. the manner in which the substances are to be stored, for example-
 - i. in an underground storage tank;

- ii. in an above-ground storage tank;
 - iii. in a dangerous good store; or
 - iv. in a manifold installation.
- d. An indication of all spray-painting rooms and submersion tanks, as the case may be.
- i. A serial number (on all permits and certificates)
 - ii. A receipt number (on all permits and certificates)
 - iii. The official stamp of the Service.

3. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

- a. The purpose for which application forms are to be used must appear at the top of all application forms.
- b.
 - i. All application forms must have all the administrative information as contained in paragraph B (**STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS**).
 - ii. On all application forms, space must be left in which the correct application fees, as contained in Annexure I to these By-laws, can be indicated prominently in red figures.
 - iii. 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.
 - iv. 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 SANS codes of practice and/or specifications, as the case may be.
- c. At the top of each checklist-
 - i. it must be stated that the checklist is for office use only;
 - ii. space must be set aside for the date, time and place of the appointment for an inspection; and
 - iii. space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- d. At the end of each checklist, space must be set aside for-
 - i. the signature of the member of the Service who completed the checklist;
 - ii. the date on which the checklist was completed; and
 - iii. an indication of whether or not the application is successful.
- e. Provision must also be made on each application form for-
 - i. full particulars of the registration officer who received the application fee;
 - ii. the method of payment, for example cash, postal or cheque; and
 - iii. an official receipt number.

2. PERMIT AND CERTIFICATES

- 1. The purpose for which permits and certificates are to be used, as contemplated in paragraph A.1 (**DESCRIPTION OF SERVICE**) in Annexure I to these By-laws must appear at the top of all permits and certificates.
- 2. All permits and certificates must have all the applicable administrative information as contained in paragraph B (**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.
 - a. 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.
 - b. The group of dangerous good(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be.
 - c. Where applicable, the make of the vehicle.
 - d. The date of issue of the permit.
 - e. The date of expiry of the permit.
 - f. The signature of the issuing officer.
 - g. A serial number.
 - h. A watermark.

ANNEXURE II

EMERGENCY EVACUATION PLANS

1. GENERAL

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least annually, and all 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.

2. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS

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.

3. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN

1. THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY

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

2. EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE

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

3. DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL

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

4. ACTION PLANS AND EMERGENCY ACTIONS

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

5. PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES

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

6. TRAINING OF STAFF MEMBERS

- a. Designated staff members must be trained in the following:
- b. First aid and/or fire fighting.
- c. Emergency aid.
- d. Emergency evacuation procedures
- e. Emergency management techniques (Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan).

4. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

1. Any emergency evacuation plan must contain the following:
 - a. Emergency telephone numbers
 - b. The following general information:
 - i. The physical address of the premises in question.
 - ii. The nature/description of the activities on the premises.
 - iii. The number of persons present on the premises at any time.
 - iv. An indication on whether or not there is a control room on the premises.
 - v. An indication of whether or not there is an alarm system on the premises.
 - vi. Particulars of contact details of every responsible persons in the event of an emergency.
 - c. An area study with the following information:
 - i. History of emergency incidents on the premises in question.
 - ii. Important and relevant features/landmarks with regard to the location of the premises.
 - iii. Key information of adjacent premises that may be relevant to evacuation in an emergency.
 - d. Particulars regarding socio-economic or other threats and the potential impact of these threats on premises.
 - e. Particulars of the following equipment available on the premises:
 - i. Equipment in the control room.
 - ii. Fire-fighting and first-aid equipment throughout the premises.
 - iii. Any other equipment, which may be relevant in an emergency.
 - f. The following information on manpower, particulars and details regarding the identity of:
 - i. Emergency management
 - ii. Fire teams
 - iii. First-aid teams
 - g. The duties and responsibilities of members of the emergency team;
 - h. Action plans and emergency procedures;
 - i. Plans of the buildings and topographical maps of the premises;
 - j. An emergency plan register with the following information:
 - i. Updated register of emergency evacuation plan.
 - ii. Drill register of emergency evacuation plan.
 - k. A bomb threat questionnaire.

GUIDELINE FOR EMERGENCY EVACUATION PLANS

Content of emergency evacuation plans

1. Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below.
2. Emergency telephone numbers

A list of all relevant emergency telephone numbers.

3. General information

- a. the physical address of the premises ;
- b. a description of the activities on the premises;
- c. the number of persons present on the premises at any time;
- d. an indication of any control room on the premises;
- e. an indication of any alarm system on the premises; and
- f. the particulars and contact details of every responsible person in the event of an emergency;

4. Area study

An area study addressing the following:

- a. a history of emergency incidents on the premises;
- b. any important and relevant features or landmarks regarding the premises; and
- c. any information regarding adjacent premises that may be relevant to evacuation in an emergency.

5. Socio-economic or other threats

Any socio-economic or other threats and their potential impact on the premises.

6. Details of available equipment

Particulars and details regarding the position of the following equipment:

- a. Equipment in the control room;
- b. Fire-fighting and first aid equipment on the premises; and
- c. Any other equipment which may be relevant in an emergency.

7. The emergency team

Particulars and details regarding the identity of members of the emergency team, including

- a. its management;
- b. the continuity officers;
- c. the fire teams; and
- d. the first aid teams.

8. Duties of emergency team members

The duties and responsibilities of members of the emergency team.

9. Action plans and emergency procedures

Details of the specific action plans and emergency procedures applicable to the premises.

10. Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

11. Emergency plan register

The plan must include

- a. an updated register of the emergency evacuation plan;

- b. an updated drill register for the emergency evacuation plan; and
- c. a bomb threat questionnaire.

Review of emergency evacuation plans

1.
 - a. An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
 - b. Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

Emergency evacuation drills

1.
 - a. An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who works or reside in the building concerned.
 - b. The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

Emergency evacuation awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

Training of persons

1. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in –
 - a. first aid or fire fighting;
 - b. emergency aid;
 - c. emergency evacuation procedures; and

ANNEXURE III

EXEMPTION FROM CERTIFICATE OF REGISTRATION

A certificate of registration is in terms of section 24 not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

Class 0	Liquefied petroleum gas	Flat – Total cylinder capacity may not exceed 9kg per flat. Houses or commercial premises – Total maximum of 19kg inside and total maximum of 100kg on the premises. Industrial premises – Maximum of 19kg per 600 m ³ of building space with a total maximum of 100 kg.
FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	

ANNEXURE IV

EXEMPTION FROM TRANSPORT PERMIT

A transport permit is in terms of section 42 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUALITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points < 18°C	Total quantity may not exceed 100 litres
	With flash points > 18°C but < 23°C	Total quantity may not exceed 420 litres
	With flash points > 23°C but < 61°C	Total quantity may not exceed 1100 litres
	With flash points > 61°C but < 100°C	Total quantity may not exceed 1100 litres
IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kg
V	OXIDIZING AGENTS AND ORGANIC PEROXIDES	
	Oxidizing agents	Total quantity may not exceed 200 kg
	Group II organic peroxides in packets	Total quantity may not exceed 200 kg
VI	TOXIC/INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5 kg
	Group II toxic substances in packets	Total quantity may not exceed 50 kg
	Group III toxic substances in packets	Total quantity may not exceed 500 kg
VIII	CORROSIVE/CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kg
	Group II acids in packets	Total quantity may not exceed 200 kg
	Group III acids in packets	Total quantity may not exceed 1000 kg
	Group I alkaline substances in packets	Total quantity may not exceed 50 kg
	Group II alkaline substances in packets	Total quantity may not exceed 200 kg
	Group III alkaline substances in packets	Total quantity may not exceed 1000 kg
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210kg

ANNEXURE V

SABS/SANS CODES OF PRACTICE AND SPECIFICATIONS

SABS CODE	TITLE
SANS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000liters.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations. Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.

SANS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SANS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 10131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 0142	The wiring of premises.
SANS 0177: Part 5	The testing of materials, components and elements used in buildings: Non combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 0228	The identification and classification of dangerous substances and goods.
SANS 0230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 10263	The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards.
SANS 10400	The application of the National Building Regulations.
SANS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 1253	Fire doors and fire shutters
SANS 1398	Road tank vehicles for flammable liquids
SANS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design and requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

ANNEXURE VI

MATERIAL SAFETY DATA SHEET BOX AND EMERGENCY EVACUATION PLAN BOX

1. MATERIAL SAFETY DATA SHEET BOX (MSDS BOX)

1. a day-glow orange container no smaller than 300 mm x 400 mm shall be provided to contain all MSDSs. Marked in black capital letters no smaller than 150 mm x 15mm and shall read MSDS.
2. Material Safety Data Sheets must be provided for every individual chemical substance when such substances is to be found on the said premises and falls outside exempt quantities as described in SANS 10228.
3. Such MSDS shall contain no less information than shown on the NOSA Form 2.17.05.01 "Hazardous Substances Record".
4. Such container shall be affixed to the outside of the building next to or near the main entrance and shall be placed 1.5 meters above ground level.
5. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer.

2. EMERGENCY EVACUATION PLAN BOX (EEP BOX)

1. a container no smaller than 300 mm x 400 mm shall be provided to contain al EEPs.
2. such a container shall have a locking device that will be to the satisfaction of the Chief Fire Officer.

3. such container shall be painted day-glow orange and be marked in black capitol letters no smaller than 150 mm x 15 mm and shall read EE.

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