

MUNICIPAL NOTICE—MUNISIPALE KENNISGEWING—ISAZISO SIKAMASIPALA**No. 28****22 November 2007**

**UMDONI MUNICIPALITY
MN NO. 79/2007
BYLAWS RELATING TO THE HIRE OF
HALLS/ROOMS, SPORTSFIELDS
AND FIRE BRIGADE SERVICES**

The Umdoni Municipality acting in terms of section 156 (2) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) read with sections 12 and 13 of the Local Government : Municipal Systems Act (Act No 32 of 2000) hereby adopts, as Bylaws made by it, the undermentioned Bylaws, which will come into effect on the date of publication hereof:-

1. The Bylaws relating to the Hire of Halls/Rooms and Sportsfields as adopted by the Mthonjaneni Municipality on 29 June 2006, in the Provincial Gazette under Notice No 9 of 2006, in English and Zulu, subject to the following Amendments to the English and Zulu versions thereof:-
 - 1.1 The name "Mthonjaneni Municipality" being changed to read "Umdoni Municipality" in the heading thereof, and in all instances where this name appears in these bylaws;
 - 1.2 The name "Melmoth Transitional Local Council" as it appears in Bylaw 21 being deleted and substituted by the names "Pennington and Scottburgh-Umzinto North Transitional Local Councils";
 - 1.3 The reference to Provincial Notice No 322 of 2000 as it appears in Bylaw 21 being deleted and substituted by reference to Provincial Notice No 353 of 2000.
2. The Fire Brigade Services Bylaws as adopted by the Hibiscus Coast Municipality on 2 December 2004 in the Provincial Gazette No 6309 under Notice No 66 of 2004, in English and Zulu, subject to the following amendments to the English and Zulu versions thereof:-
 - 2.1 The name "Hibiscus Coast Municipality" being changed to read "Umdoni Municipality" in the heading thereof, and in all instances where this name appears in these Bylaws;
 - 2.2 By the deletion of the heading "REPEAL OF BYLAWS" and section 55 of the bylaws as published by the Hibiscus Coast Municipality;
 - 2.3 In Part X1, by the deletion of Annexures 1: Tariffs and V11 : Dealing in Fireworks and V111 Discharge of Fireworks.

**DD NAIDOO
MUNICIPAL MANAGER**

Municipal Offices
Cnr Airth and Williamson Streets
P O Box 19
Scottburgh
4180

TEL. NO. (039) 9761202
FAX. NO. (039) 9762194
E-MAIL: umdoni@umdonionline.co.za

UMDONI MUNICIPALITY	
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**UMASIPALA WASEMDONI
MN NO.79/2007
IMITHETHO YEDOLOBHA EQONDENE NOKUQASHWA
KWAMAHHOLO/IZAKHIWO, IZINKUNDLA ZEMIDLALO KANYE
NEZICISHAMLILO**

Umasipala waseMdoni uvumelene ngemithetho yedolobha elandelayo kulandelwa uMthethosisekelo waseNingizimu Afrika, ufundwa nesigaba 12 no 13 somthetho ongamele ukuphathwa komasipala owaziwa nge Local Government: Municipal Systems Act, (umthetho 32 ka 2000), neyoqala ukusebenza ngosuku eyosakazwa ngalo:

1. Imithetho yedolobha yokuqasha amahholo/izakhiwo kanye nezinkundla zemidlalo eyayisetshenziwa umasipala waseMthonjaneni, nowavumelana ngayo ngomhlaka 29 June 2006, yashicilelwa ngesiNgisi nangesiZulu kwiPhephandaba likaHulumeni wesiFunda ngaphansi kwesaziso No. 9 ku 2006, kuhambisana nezichibiyelo ezilandelayo:

- 1.1 Igama elibhalwe ukuthi "Mthonjaneni Municipality", liguqulwe kube "Umdoni Municipality", kanye nazo zonke ezinye izindawo ezibhalwe ngokufanayo.
- 1.2 Kusulwe igama elithi "Melmoth Transitional Local Council" nelivela kumthethodolobha 21, endaweni yalo kubhalwe ukuthi "Pennington and Scottburgh-Umzinto North Transitional Local Councils";
- 1.3 Kusulwe umbhalo ngesaziso No 322 ku 2000 njengoba uvela kumthethodolobha 21, endaweni yawo kubhalwe isaziso No 353 ka 2000.

2. Imithetho yedolobha yezicishamlilo esetshenziwa umasipala waseHibiscus Coast, nowavumelana ngayo ngomhlaka 2 December 2004, yashicilelwa ngesiNgisi nangesiZulu kwiPhephandaba likaHulumeni wesiFunda ngaphansi kwesaziso No. 66 ku 2004, kuhambisana nezichibiyelo ezilandelayo:

- 2.1 Igama elibhalwe ukuthi "Hibiscus Coast Municipality", liguqulwe kube "Umdoni Municipality", kanye nazo zonke ezinye izindawo ezibhalwe ngokufanayo kulemithetho yedolobha;
- 2.2 Kusulwe isihloko esithi "UKUCHITHWA KWEMITHETHO YEDOLOBHA" kanye nesigaba 55 semithetho yedolobha njengoba ishicilelwe;
- 2.3 Kusulwe isiXhumelelo 1: Izimali ezikhokhwayo; V11: Ukusebenza ngeziquhumane, kanye no V111: Ukuqhunyiswa kweziquhumane kwi Ngxenywe X1.

**DD NAIDOO
UMPHATHI KAMASIPALA**

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No. 66, 2004

2 December 2004

HIBISCUS COAST MUNICIPALITY

FIRE BRIGADE BY-LAWS

THE municipal council for the Municipality of the Hibiscus Coast, acting under the authority of section 156(2) of the Constitution of the Republic of 1 South Africa, 1996 (Act 108 of 1996) read with sections 11 (2)(m), 12 and 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the following by-laws as adopted by the municipal council at its meeting held on 11 December 2002 under resolution No. C113/12/2002, which by-laws shall come into effect on the first day of the month following publication hereof. S. W. MKHIZE Municipal Manager

HIBISCUS COAST MUNICIPALITY

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PART I

DEFINITIONS

1. (1) The Hibiscus Coast Municipality hereby promulgates the by-laws set out below for its area of jurisdiction in terms of section 16(1) of the

Fire Brigade Services Act, 1987 (Act No. 99 of 1987) (hereafter called the "Act"), after consultation with the Fire Brigade Board. (2) In these by-laws any word or expression to which a meaning has been assigned in the Act will have such meaning, and unless the context indicates otherwise -

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

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

"building" includes -

(a) any other 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;

"certificate of appointment" means an identification document issued by the Chief Fire Officer to a member of the fire brigade service as set out in Annexure IV to these by-laws;

"certificate of fitness" means a certificate contemplated in section 22 of these by-laws, which certificate has been issued by the Service and authorises a person to occupy designated premises (which are a public building);

"certificate of registration" means a certificate issued by the Service in terms of section 26 of these by-laws, which authorises a person to occupy registered premises, or to use the premises for spray-painting activities, or for the storage or handling of hazardous substances;

"Chief Fire Officer" means the person appointed by the controlling authority in terms of section 5(1) of the Act and includes any member of the Service 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;

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

"controlling authority" means the local authority as defined in the Act, read with section 16(1), (2) and (3) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), which reads as follows:

"16 Transitional provisions"

(1) Any transitional council or transitional metropolitan substructure established by a proclamation contemplated in section 10(1), shall be deemed to be an institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961).

(2) Subject to the provisions of this Act and any proclamation issued thereunder, the provisions of the laws applying to local authorities in the province concerned shall *mutatis mutandis* apply to any transitional council or transitional metropolitan substructure referred to in subsection (1).

(3) Any reference in any law to a local authority shall, unless clearly inappropriate, be deemed also to be a reference to any transitional council or transitional metropolitan substructure referred to in subsection (1).";

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

"designated premises" means any premises designated by the fire brigade service with a view to an emergency evacuation plan as contemplated in section 21 of these by-laws;

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

"Director" means the person appointed by the controlling authority as the Director of Protection Services for the Hibiscus Coast Municipality.

"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 to an escape door in the room;

"dump", in relation to a grouped hazardous substance, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill

or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or released with the intention that reasonably indicates that the substance in question has been abandoned or discarded; and "dumping", "spilling" and "spill into" have a corresponding meaning;

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

"emergency evacuation plan" means a set of detailed plans, which indicate the following:

- (a) A street block plan and site plan
- (b) Existing floor plans
- (c) Fire installation diagrams
- (d) Escape routes (in green)
- (e) Fire-fighting equipment and the appropriate service installations (in red), explained by appropriate captions, including a detailed document with appropriate emergency and evacuation procedures;

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

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

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

"explosive(s)" means -

(a) gunpowder, nitroglycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a 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 substance 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 fire brigade service needs to extinguish a fire;

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

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

"fire area" means the area of jurisdiction of the controlling authority in which provision is made for fire protection, and "area" has a corresponding meaning (SABS 090/72);

"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 SABS 0177, Parts II to V, as the case may be;

"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, in relation to a fire area, that area which falls into one of the following categories:

(a) High-risk area;

(i) Any area in which the fire risk and the risk of the spread of fire are high, for example a factory area; a high-density shopping area, warehouse and commercial building; a timber yard; a wooden building; and a residential or other building that is higher than three storeys, and includes any building in which hazardous processes are carried out or housed regularly.

(ii) A plantation.

(b) Moderate-risk area:

Any area in which factories, commercial buildings and residential buildings are generally detached from each other and are not more than three storeys high, and in which, owing to the detached nature of the buildings, and because the materials processed or stored in those buildings are not regarded as highly dangerous, the fire risk and the risk of the spread of fire are not as high as in a high-risk area, and includes an area that is not expressly classified as a high- or low-risk area as contemplated in these by-laws.

(c) Low-risk area:

Any area that is suburban or semi-rural, having predominantly detached duet, cluster and/or townhouse developments, where the fire risk and the risk of the spread of fire are slight or insignificant;

"fireworks" means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act No. 26 of 1956), read with "explosive(s)";

"grouped hazardous substance" means a group of hazardous substances as contemplated in section 1 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973);

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

"member" means a member of the Service as contemplated in section 6 and 6A(5) of the Act;

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

"normative reference list" means the list of SABS specifications or codes of practice, which are contained in Annexure V to these by-laws; **"occupancy"** (see definition of "public building");

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

"owner" in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of section 18 of the Act, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

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

"premises" means land, a building or other construction or structure, or any part of it, and includes a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle;

"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, and "occupancy" means, with regard to a public building, the attendance of or participation in the activities referred to in the definition thereof;

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

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

"Service" means the fire brigade service established by the controlling authority as contemplated in section 1 of the Act;

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

"spill into" (see the definition of "dump");

"spraying permit" means a permit issued by the Service in terms of section 50(1)(a) of these by-laws;

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

"storeroom" means a room, which is constructed, equipped and maintained as contemplated in section 48 of these by-laws;

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

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

(b) a basement will be regarded as any part of the building, which is below the level of the ground storey;

(c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and

(d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;

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

"vehicle" includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, a tank truck or any other motor vehicle as contemplated in the Road Traffic Act, 1989 (Act No. 29 of 1989), as the case may be;

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

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

PART II

ADMINISTRATIVE PROVISIONS

ORGANISATION OF THE FIRE BRIGADE SERVICE

2. (1) The controlling authority may, subject to section 3(3) of the Act, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, device;; 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 a fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other threatening danger;
- (e) subject to the provisions of the Health Act, 1977 (Act No. 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, who is appointed by the controlling authority as contemplated in section 5 of the Act, is in charge of the Service.

(b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member of the Service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.

(3) From time to time, as required, the Service may be subdivided into specific subdivisions as recommended by the Chief Fire Officer and approved by the controlling authority.

(4) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Act, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Kwa-Zulu Natal, against payment of the tariffs determined in Annexure I to these by-laws, or against payment or on the conditions contained in the agreement concerned.

DRIVING FIRE BRIGADE VEHICLES

3. (1) Any member of the Service may, with the written authority of the Chief Fire Officer, drive a fire brigade vehicle if he/she has the applicable driver's licence for the vehicle in question as required by the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(2) A member of the Service who is duly authorised to do so, as contemplated in subsection (1), must drive a fire brigade vehicle in accordance with the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under the act.

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

PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION

4. (1) The Chief Fire Officer and/or a member of the Service who is in charge of an-emergency situation must, in respect of every emergency situation in which he/she or they is/are in charge, ensure that -

(a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;

(b) the situation is assessed on arrival at the premises in question, and that additional equipment and/or assistance that he/she or they 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(4) of these by-laws; and

(c) all pertinent information, including places, times and relevant particulars, is recorded during an 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 No. 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 Act, 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 Chief Fire Officer and approved by the controlling authority.

PRETENDING TO BE A MEMBER OF THE FIRE BRIGADE SERVICE

5. (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member of the Service.

(2) No person may falsely represent himself/herself as a member of the Service or pretend to be a member of the Service.

(3) Any person who so pretends to be or represents himself/herself as a member of the 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, as defined in Annexure IV to these by-laws, 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.

TRAINING AND APPOINTING MEMBERS

6. (1) A member of the Service must -

(a) successfully complete all the relevant basic training modules of the Service within six months of commencing the training programmed;

(b) have in his/her possession a complete set of up-to-date copies of the relevant documents referred to in subsection (1)(c);

(c) be familiar with the relevant legislation, conditions of service and departmental policy applicable to him/her; and

(d) keep the identification document referred to in section 5(3), read with section 1 of these by-laws, on his/her person at all times for identification purposes.

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

POWERS OF MEMBERS

7. (1) Every member of the Service, including the Chief Fire Officer, has all the powers provided for in the Act.

(2) Any member of the Service may -

(a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;

(b) institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be;

(c) seize anything (hereafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness and may provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate, and 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 such seizure will, subject to section 20 of the Act, be subject to the following conditions:

(i) The Chief Fire Officer must grant prior approval in writing for the seizure.

(ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.

(iii) After an order issued in terms of the Act or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Act has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken.

(3) All members of the Service must be -

(a) 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) appointed as deputy messengers of the court in terms of section 15(2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944); and

(c) appointed as inspectors of explosives in terms of section 2(5) of the Explosives Act, 1956 (Act No. 26 of 1956), regarding the storage, sale and use of fireworks, and all members have the power -

(i) in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to issue summons involving a spot fine;

(ii) in terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;

(iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;

(iv) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask the names and addresses of certain persons and to arrest persons without a warrant if duly authorised to do so; and

(v) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

MAKING FIRE BRIGADE EQUIPMENT AND MANPOWER AVAILABLE

8. (1) With the approval of the controlling authority, 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 for whatever reason if the equipment and/or manpower are required elsewhere for or in connection with an emergency situation.

PART III

FIRE PROTECTION AND FIRE-FIGHTING COMBUSTIBLE MATERIAL AND REFUSE

9. (1) No person may store any combustible material of whatever nature, or have it stored or permit it to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.

(2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.

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

MAKING FIRES

10. (1) No person may, within the area, make a fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to -

(a) a fire in an approved, purpose-made stove, fireplace or hearth, which is an integral part of a structure;

(b) a fire for preparing food on private premises or premises set aside for that purpose; and

(c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.

(2) No person may, without 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.

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

FIREBREAKS

11. (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.

(2) The owner or occupier of-

(a) an Erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by -

(i) cutting any grass, reeds and/or weeds, which may reasonably be connected with the fire hazard to a maximum height of 150 mm above ground level;

(ii) cutting around any shrubs and/or trees, which may be standing in the area being cut;

(iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and

(iv) removing all chopped and/or sawn off residue from the premises or ensuring that the residue is removed; and

(b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the said 5 m belt, a 5 m belt also be maintained around those obstructions.

(3) Whenever any person intends to clear a safety fire belt referred to in subsection (2)(b) by burning the belt, that person must -

(a) apply to the Service in writing to do so, with specific reference to the proposed date and time of the planned fire; and

(b) request the Service to provide assistance against payment of the tariffs determined in Annexure I to these by-laws.

(4) The provisions of subsection (3)(b) are not applicable whenever the obligations referred to in subsection (3) are performed by an organisation, which is accredited to the Service.

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

INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

12. (1) (a) Any member of the Service may, in executing the powers in terms of section 8 of the Act, set foot on any premises at any reasonable time to determine whether there is any condition on the premises which -

(i) is likely to cause or exacerbate fire hazards; or

(ii) may, in particular, jeopardise or render less effective the escape to safety of any human being or animal; or

(iii) may obstruct or is likely to obstruct the activities of the Service during an emergency situation.

(b) Any member of the Service may enter any premises at any reasonable time to inspect any fire extinguishing equipment or relevant service installation on or belonging to the premises.

(2) Any member of the Service may, arising from any condition referred to in subsection (1), serve on the occupier(s) of those premises or any other premises written instructions, and fire protection directives and requirements that are necessary to rectify the conditions on or in the premises in order to reduce any fire risk and/or to protect life and property, and determine a deadline for compliance with the instructions, 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 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 concerned must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which he/she intends taking to rectify the condition, and submit a programme with a deadline to the Service for approval.

(b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.

(4) Any person who fails to comply with a written instruction referred to in subsection (2) and (3) is guilty of an offence.

EMERGENCY EXITS

13. (1) Any escape door and/or access door must be fitted with hinges that open in the direction of escape, and have a locking device approved by the Service.

(2) Any door in a feeder route must be a double swing type and not have any locking mechanism: Provided that where it is necessary to lock the door for security reasons, an alternative means of escape, approved by the Service, must be provided.

(3) Any person who -

(i) causes or permits an escape route to become less effective or to become obstructed in a way that obstructs or hinders the escape of a human being or animal from a building during an emergency situation; or

(ii) fails to comply with the provisions of this section, is guilty of an offence.

ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT

14. (1) Fire-fighting equipment and the appropriate service installations must be installed so as to be ready at all times.

(2) Any person who, in whatever way, causes or permits fire-fighting equipment and the appropriate service installations not to be readily accessible is guilty of an offence.

FIRE PROTECTION REQUIREMENTS FOR PREMISES

15. (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, which are contained in Code of Practice SABS 0400 and called "The Application of the National Building Regulations", are, for the purposes of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.

(2) The owner of a building must make provision in that building for the drainage of superfluous water during fire extinguishing activities, in any manner other than -

(a) down any stairwell;

(b) down any lift shaft;

(c) down any electrical shaft and/or telecommunications service shaft;

(d) along any approach to a building or any vehicle access ramps leading to and/or from a building; or

(e) down any shaft that is connected to a basement level:

Provided that any run-off water must be discharged direct into a storm water drain during any fire extinguishing activity.

(3) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.

(4) 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) must be situated on the outside of the building; and

(b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.

(5) Whenever an approved sprinkler system is required in accordance with the provisions of SABS 0400; SABS 087, Part III; and SABS 089, Part I, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SABS 0287 for automatic sprinkler installations and in consultation with the Service.

(6) Any person who fails to comply with any of the provisions of subsections (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 SABS 0400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

16. (1) All premises in the area must be planned, designed and constructed so as to ensure that -

(a) at least one elevation of a building fronts on a street;

(b) provision is made (in addition to the street reserve) in the premises for the parking and operating of fire brigade machines and/or equipment on a climate-proof and weatherproof parking surface that is at least 10 m wide and runs the full length of the side elevation which borders the surface, and the carrying capacity of the surface must be at least 70 metric tons;

(c) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire brigade machines used by the Service (obtained from statistics of the Service's fire brigade machines), with specific reference to the length, width and tonnage of the machines: Provided that the dimensions must be equal to the largest machine that is likely to be used on the premises in question; and

(d) 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: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which gate is capable of being opened to 3,5 m.

(2) (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. These numbers must be 75 mm 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.

UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT

17. (1) The owner of any premises must ensure that -

(a) all fire extinguishing equipment or other appropriate service installations that have been provided or installed in or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SABS as contemplated in SABS 1475 and registered in terms of SABS 1475;

(b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SABS 0105 and SABS 1475;

(c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers; and

(d) installations are inspected by a registered tradesman 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 in question is fully functional; and

(b) notify the Service immediately in writing if he/she finds that the service installation in question cannot, for whatever reason, be readily repaired to its functional state.

(3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submits the record to the Service every twelve months.

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

EXTRACTOR FAN SYSTEMS

18. (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 inspections, maintenance 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.

RATIONAL DESIGNS

19. (1) The construction, design and/or erection of -

- (a) hangars;
- (b) helicopter pads;
- (c) grain silos;
- (d) atriums;
- (e) air traffic control towers;
- (f) towers for communications or other uses;
- (g) military structures or buildings;
- (h) thatched structures larger than 20 m² and situated within 4,5 m of any boundary Hue;
- (i) tents and any other temporary structures for holding public gatherings; and
- (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds 45 m, in the area must comply with an acceptable rational design, which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations, published under Government Notice R2378 of 12 October 1990.

(2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helicopter pads, for -

- (a) the drainage of any liquid from the floor of the aircraft hangar or helipad and/or approach to the hangar;
- (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
- (c) the prevention of any liquid from spreading from the floor of the aircraft 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.

DUMPING SITES

20. (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions of the Department of Water Affairs and Forestry and those of the Service.

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