



MKHONDO FIRE BRIGADE SERVICE

BY-LAWS

MUNICIPALITY OF MKHONDO
FIRE BRIGADE SERVICE BY – LAWS

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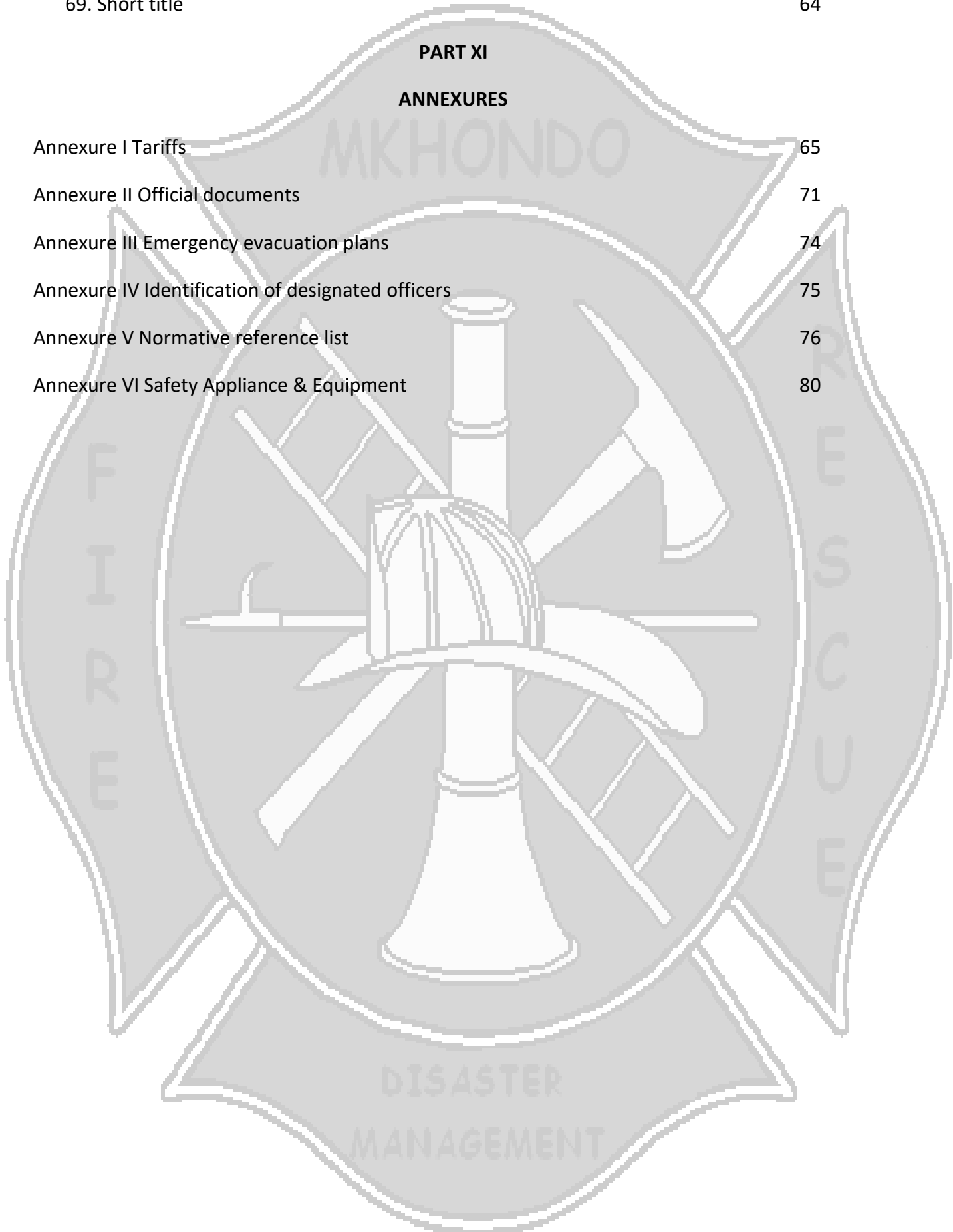
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FIRE BRIGADE SERVICE BY – LAWS

The purpose of these by-laws is to regulate all fire service and related matters in the jurisdiction of the Municipality of Mkhondo.

Be it enacted by the Municipality of Mkhondo as follows

PART I

DEFINITIONS

1. In these by-laws, 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 instillation and/or service installation;
 - “**animal**” means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority.
 - “**approved**” means approved by Authority
 - “**area**” means any residential area or any other area within the boundaries of the Municipality.
 - “**authority**” means both Local Authority as well as refers to South African Maritime Safety Authority.
 - “**authorized agency**” means a governing body, club or organization designated under regulation 30(1) of the Merchant Shipping Regulations 2007.
 - “**authorized officer**” means a member of the Service authorized by the Chief Fire Officer to conduct certain duties.
 - “**building**” includes –
 - (a) Any structure, whether temporary or permanent, irrespective of the materials used in erection, erected or used for or in connection with –
 - (i) the accommodation or convenience of human beings and animals;
 - (ii) the manufacturing, processing, storage, display or sale of any goods;
 - (iii) the provision of any service;
 - (iv) the deconstruction or treatment of refuse or other waste materials; and
 - (v) the cultivation of any plant or crop;
 - (b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;
 - (c) any fuel pump or any tank used in connection with it;
 - (d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
 - (e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm water discharge, electricity supply or other similar service in respect of the building;

“Building Control Officer” means the person appointed or deemed to be appointed as a building control officer by a local authority in terms of section 5 of the National Building Regulations and Building Standards Act, 1997 (Act 103 of 1997);

“category” in relation to a vessel, means the particular category of vessel determined as follows:

- (a) Category A – Vessel operating any distance from the shore
- (b) Category B – Vessel operating less than 40 nautical miles from shore
- (c) Category C – Vessel operating less than 15 nautical miles from shore
- (d) Category D – Vessel operating less than 5 nautical miles from shore
- (e) Category E – Vessel operating not more than 1 nautical mile from shore and 15 miles away from an approved launch site
- (f) Category R – Vessel operating solely on sheltered waters

“Certificate of appointment” means an identification document issued by the Local Authority to a member as set out in Annexure IV to these by-laws;

“certificate of competence” means a certificate, including any relative endorsement, issued by a certifying authority pursuant to regulation 16 (1) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 and entitling its lawful holder to act in the capacity and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned;

“Certificate of fitness” means a certificate contemplated in section 21 of these by-laws, which certificate has been issued by the Service and authorizes a person to occupy designated premises (which are a public building); Under the Water Safety section it refers to certificate issued under regulation 24 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007.

“certifying authority” means the Authority and, to the extent that it has been designated pursuant to regulation 30(1) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 to perform the functions of a certifying authority an, an authorized agency;

“Certificate of registration” means a certificate issued by the Service in terms of section 26 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 or handling of hazardous substances;

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade Service Act, 1987 (Act 99 of 1987), and includes any member who exercise 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 the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993);

“contravene” in a relation to a provision of these regulations, including failing or refusing to comply with that provision.

“controlled event” means a competition, event or regatta organized by a governing body or authorized agency, or a club or an organization affiliated with a governing body, and includes –

- (a) activities to prepare for the event that take place at the venue for the event and during the times specified by the organizer of the event;
- (b) practice for the event under the supervision of a coacher or an official approved by a governing body or authorized agency or a club or organization affiliated with a governing body;

“Controlling authority” means the local authority in control of the Service as defined in the Fire Brigade Service Act, 1987;

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

“decked” in relation to a vessel, means fully or partially decked’

“dive boat” means a vessel that is used in diving support activities.

“Designated officer” means the person designated in terms of section 22 of the Rationalization of Local Government Affairs Act 1998, (Act No. 10 of 1998); and a designated officer also means a traffic officer as defined in section 3 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) as amended

“Designated premises” means any premises designated by the Service with a view to an emergency evacuation plan as contemplated in section 19 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, labeling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped hazardous substances, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

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

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

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

or deposited, discharge, spill or release it in such a way or place, or under such circumstances or for such period, or to have it or permit it to be so deposited, discharged, spilled or released in a manner that reasonably indicates the intention to abandon or discard the substance, and “dumping”, “spilling” and “spill into” have a corresponding meaning;

“emergency” means an incident or eventually that poses or may pose a serious threat to any person or property, and “emergency situation” has a corresponding meaning.

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

“emergency 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.

“enforcement officer” means a police official, a safety officer subject to regulation 31(3) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 and any person designated as an enforcement officer by the SAMSA Authority.

“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 or building.

“existing vessel” means a vessel that was built and used solely on inland waters before the commencement of these regulations.

“explosive(s)” means –

- (a) gunpowder, nitroglycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, colored 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 adaption or preparation of an explosive;
- (c) any other substance which the President may from time to time by proclamation in the Government Gazette declare to be an explosive;
- (d) a petrol bomb; and
- (e) any container; apparatus, instrument or article which –
 - (i) contains any flammable 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 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 into 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 provisions is made for fire protection as defined on SABS 090;

“fire-fighting equipment” means any portable fire extinguisher, hose reel or fire hydrant;

“fire grading” means, with regard to materials, components and elements used in the construction and finishing buildings, those materials, components and elements which have been tested and classified in accordance with SABS 0177, Parts II to V, as amended;

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

“fire installation” means any water installation which conveys water solely for firefighting.

“fire risk category” means a fire area being divided into sub-areas which fall into one of the following fire-risk 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 risk of limited buildings and remote 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 centers, informal settlements, harbors, dams, 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 fire safety deficiencies may, however, be classed as special risk.

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

“from shore” in relation to –

- (a) a vessel that is, or is to be, operated in sheltered waters means –
 - (i) for sheltered waters referred to in paragraphs (a) and (b) of the definition of “sheltered waters” from the low-water-line referred to in paragraph (a) and
 - (ii) for any other sheltered waters from the water-line on the adjacent shore;

“governing body” means a national water sport governing body –

- (a) that publishes written rules and criteria in respect of conduct and safety requirements during skill demonstrations, formal training or controlled events
- (b) that –
 - (i) certifies coaches and coaching programs

(ii) certifies officials and programs for officials or
(iii) recommends training and safety guidelines for certified coaches or officials

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

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

“inflatable” in relation to a vessel, means that buoyancy on water depends on separate inflated airtight chambers that are either completely collapsible or fitted with a rigid bottom section.

“inland waters” means declared inland waters as specified in a notice under section 3(9) of the Act Merchant Shipping Act

“inspector” means a member appointed as an inspector in terms of section 2(5) of the Explosive Act, 1956 to control fireworks in so far as the storage, use and sale of fireworks are concerned.

“kill switch” means a mechanism that is attached to the skipper or operator of a vessel and that stops the engines when a person loses his or her footing or becomes otherwise incapacitated.

“Law enforcement Officer” means a duly authorized officer appointed by the Municipality, a Traffic Officer, a Peace Officer or a member of the South African Police Services;

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

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

“Municipality” means the duly constituted Municipality of Mkhondo;

“Municipal Manager” means the person duly appointed by the Municipality or the person temporarily acting as such or is a duly authorized representative;

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

“night” means the period of time between sunset and sunrise

“normative reference list” means the list of South African National Standards, SABS specifications or codes of practice and other legislation which are contained in Annexure V to these by-laws.

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

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

“operate” in relation to a vessel, means that the vessel is not safely ashore or made fast to a jetty, quay or mooring buoy

“overall length” in relation to a vessel, means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull of the vessel.

“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 Service Act, 1987, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;
in relation to a vessel, includes –

(a) a credit receiver or buyer in the case of a credit agreement in terms of the National Credit Act 2005 (Act No 34 of 2005) and

(b) any person entrusted by the owner with the care and control of the vessel’

“passenger vessel” means a vessel that carries more than 12 passengers

“pleasure vessel” means a vessel that is used solely for sport or recreation

“police official” means –

(a) a member of the South African Police Services as defined in section 1 of the South African Police Service Act 1995 Act 68 of 1995

(b) a member of any Municipal Police Service established in terms of the South African Police Service Act 1995 Act 68 of 1995

(c) a person designated by the Minister as a police official under regulation 31 (2) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

(d) a member of the South African Defense Force deployed in cooperation with the South African Police Service

“power driven” in relation to a vessel, means propelled primarily by mechanical means

“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) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and

(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 storing, keeping or handling of explosives is considered to be separate premises;

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

“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.

“regulating authority” in relation to –

- (a) the shore of any other body of water to which these regulations apply
- (b) any sheltered waters

means the person, body or authority having jurisdiction over the shore or waters concerned

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

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

“room” means any room or other partitioning in a building.

“safety officer” means a person designated under regulation 30(4) of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

“sailing vessel” means a vessel provided with sufficient sail area for navigation under sail alone whether or not fitted with mechanical means of propulsion

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

“sheltered waters” means any of the following:

- (a) a tidal lagoon or a tidal river as defined in section 1 of the Sea Shore Act 1935 Act 21 of 1935
- (b) the waters within the breakwaters of any port in the republic
- (c) inland waters

“skipper” means the master

“specified by the Authority” means specified by the Authority in a marine notice

“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 objects with Group III hazardous substances and/or combinations of Group III hazardous substances, 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 47 of these bylaws.

“story” 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 story in which it is situated);

Provided that, in relation to a building –

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

"suitable" in relation to materials or an appliance or item of equipment, means suitable for the service for which it is intended.

"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 system 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;

"the Act" means the Merchant Shipping Act 1951 Act 57 of 1951 but can also refer to any other act mentioned in these bylaws

"underway" in relation to a vessel, means that the vessel is not at anchor or made fast to the shore or aground

"water skiing" includes towing a person/s on any device behind a vessel and the noun has corresponding meaning

"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

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

DISASTER
MANAGEMENT

PART II

ADMINISTRATIVE PROVISIONS

ORGANISATION OF THE SERVICE

2. (1) the controlling authority may, subject to section 3(3) of the Fire Brigade Services Act, 1987, 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 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 provision 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 will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (3) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Service Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Mpumalanga, against payment of the tariffs determined in Annexure I to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

DRIVING SERVICE VEHICLES

3. (1) Any member may, with the written authority of the Chief Fire Officer, drive a Service vehicle if he/she has the applicable driving license for the vehicle in questions as required by the National Road Traffic Act, 1996.
- (2) A member 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 who fails to comply with the provisions of this section is guilty of an offence.

PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION

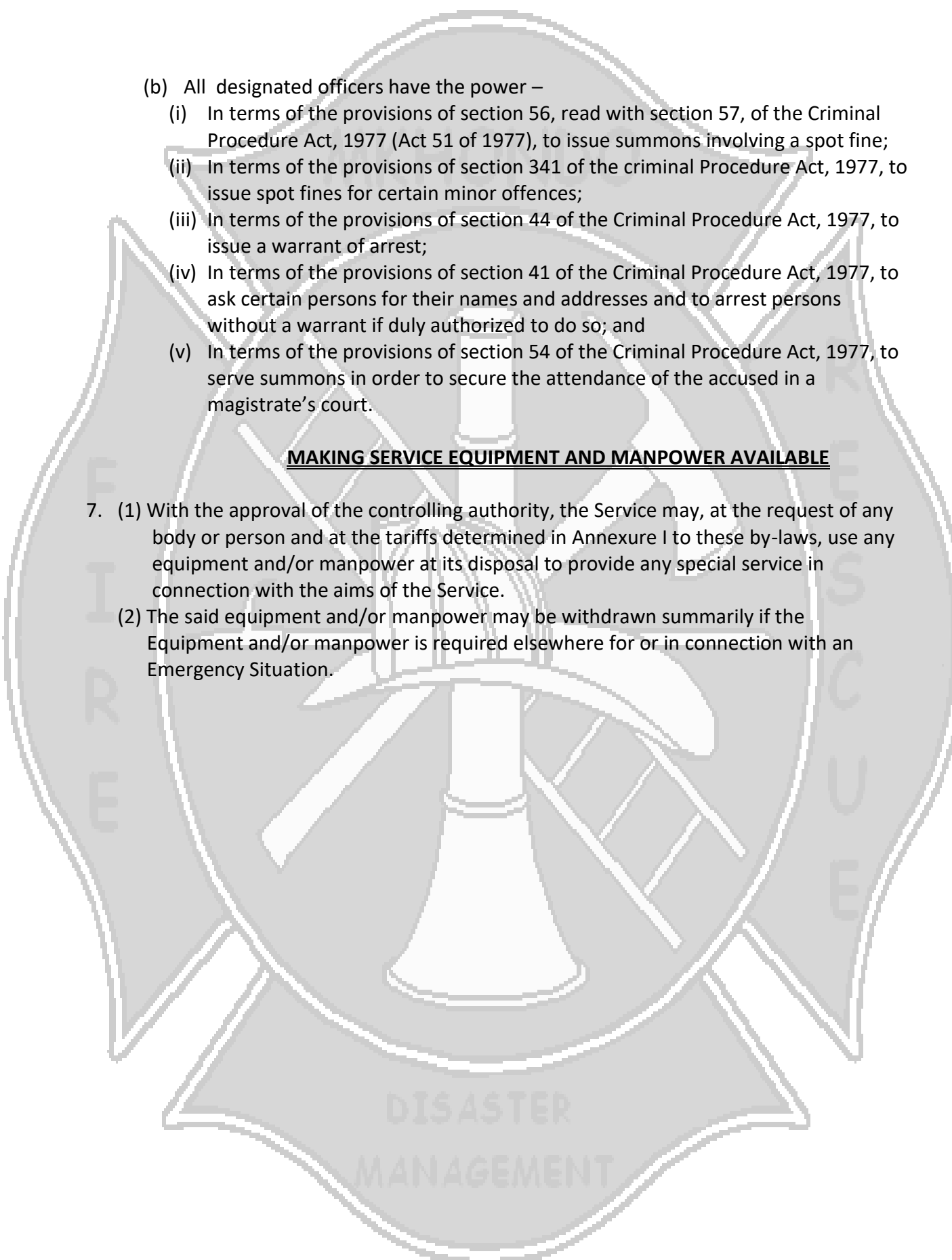
4. (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, In respect of every emergency situation in which he/she is in charge, ensure that –
 - (a) Adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
 - (b) The emergency situation 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 by-laws; and
 - (c) All pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996) and any regulations made under the Act.
- (2) All persons and/or bodies, including any State department as contemplated in section 17 of the Fire Brigade Service 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.

PRETENDING TO BE A MEMBER

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
- (2) No person may falsely present himself/herself as a member or pretend to be a member
- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, as prescribed 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.

POWERS OF MEMBERS AND DESIGNATED OFFICERS

6. (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Service Act, 1987.
- (2) A designated officer may –
 - a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorized changes have been made to the document.
 - b) institute the relevant prosecution in connection with subsection or have the prosecution instituted, as the case maybe; and
 - c) seize anything (hereinafter called “object”) on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Service Act, 1987, made in accordance with the following conditions;
 - (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
 - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - (iii) After an order issued in terms of the 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 Service 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 officer 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 or explosion and the member may remove, using no more force than is reasonable necessary, any person who refuses to leave the street, passage or place after having been requested to do so.
- (4) (a) Designated officers must be –
 - (i) suitably trained and certifies as law enforcement officers and be appointed as such in terms of Government Notice R 159 of 2 February 1979, as amended
 - (ii) appointed as deputy messengers of the court in terms of section 15(2) of the Magistrate’s courts Act, (Act 32 of 1944);
 - (iii) appointed as inspectors of explosives in terms of section 2(5) of the Explosives Act, 1956 regarding the storage, sale and use of fireworks; and
 - (iv) appointed as inspectors in terms of section 8 of the Hazardous Substance Act, 1973.
 - (v) Appointed as enforcement officer in terms of Section 31 of the Merchant Shipping Regulations 2007

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- (b) All designated officers have the power –
- (i) In terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
 - (ii) In terms of the provisions of section 341 of the criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
 - (iii) In terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
 - (iv) In terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorized 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 SERVICE EQUIPMENT AND MANPOWER AVAILABLE

7. (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 if the Equipment and/or manpower is required elsewhere for or in connection with an Emergency Situation.

PART III

FIRE PROTECTION AND FIRE-FIGHTING

COMBUSTIBLE MATERIALS AND REFUSE

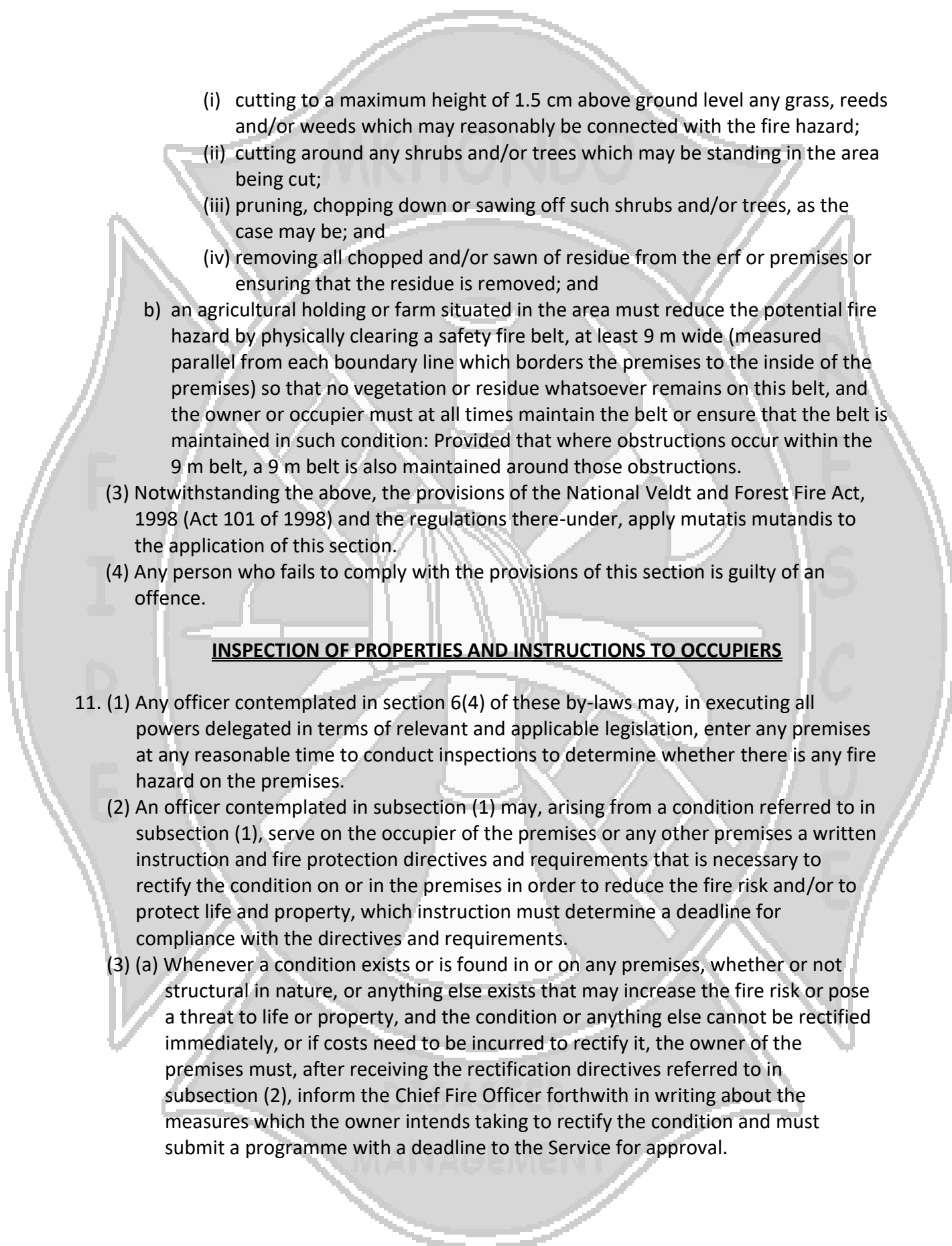
8. (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard 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

9. (1) No person may, within the area, make an open, uncontrollable or unattended fire or Permit a fire to be made, in such a place and/or in such a manner as to pose a real or Potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to –
 - a) A fire in an approved, purpose-made stove, fireplace or hearth which is an integral part of a structure;
 - b) A fire for preparing food on private premises or premises set aside for that purpose; and
 - c) A device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without 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 inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

FIREBREAKS

10. (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 may pose a real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of –
 - a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –

- 
- (i) cutting to a maximum height of 1.5 cm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
 - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
 - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
 - (iv) removing all chopped and/or sawn of residue from the erf or premises or ensuring that the residue is removed;
- 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 9 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 9 m belt, a 9 m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the National Veldt and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations there-under, apply mutatis mutandis to the application of this section.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS

11. (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 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 is 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 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 this section is guilty of an offence.

ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT

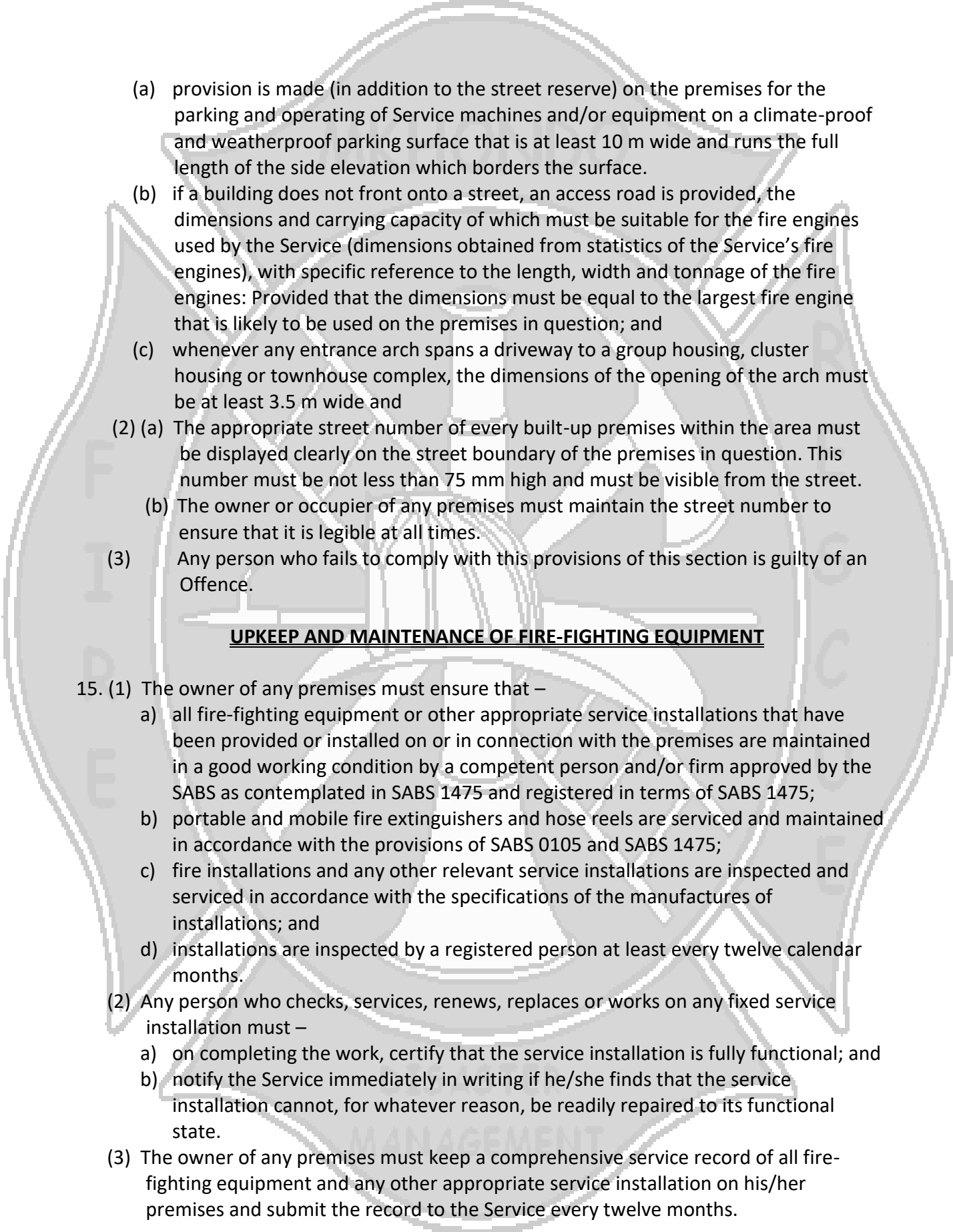
12. (1) Fire-fighting equipment and the appropriate service installations must be installed so as to be readily accessible at all times.
- (2) Any person who, in whatever way, causes or permits fire-fighting equipment and the appropriate service installations not to be readily accessible is guilty of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

FIRE PROTECTION REQUIREMENTS FOR PREMISES

13. (1) In addition to any other provisions contained in these by-laws, the 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, are, 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) 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.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
- a) the access to the transformer room(s) is situated on the outside of the building; and
 - b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SABS 087, Part III; and SABS 089, Part 1, 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.
- (5) Any person who fails to comply with any of the provisions of subsections (2), (3), and (4) or any provisions contained in Part A, Part K, Part M, Part T, Part V and Part W of SANS 10400, as amended where the provisions relate to fire protection matters, is guilty of an offence.

ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES

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

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- (a) provision is made (in addition to the street reserve) on the premises for the parking and operating of Service 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.
 - (b) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
 - (c) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex, the dimensions of the opening of the arch must be at least 3.5 m wide and
- (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. This number must be not less than 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 this provisions of this section is guilty of an Offence.

UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT

- 15. (1) The owner of any premises must ensure that –
 - a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SABS as contemplated in 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 manufactures of 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 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 submit 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 FANS SYSTEMS

16. (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with SANS 1850, (Standard for the design and manufacture of commercial kitchen extrication systems) and 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

RATIONAL DESIGNS

17. (1) The construction, design and/or erection of –
- (a) hangers;
 - (b) helipads;
 - (c) grain silos;
 - (d) atriums;
 - (e) air traffic control towers;
 - (f) towers for communications or other users;
 - (g) military structures or buildings;
 - (h) thatched structures larger than 20 m² and situated within 4.5 m of any boundary line;
 - (i) tents and any other temporary structures for holding public gatherings;
 - (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exits doors exceeds 45 m; and
 - (k) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangers or helipads, for –
- (a) the drainage of any liquid from the floor of the hanger or helipad and/or approach to the hanger;
 - (b) the channeling 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 hanger or helipad to any rooms, adjacent buildings or the outside of the hanger; 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

- 18. (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions of the National Department of Water Affairs and Forestry and the National Department of Environmental Affairs and Tourism, and those of the Service.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence

EMERGENCY EVACUATION PLANS

- 19. (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, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
 - (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection program, which program includes regular, scheduled fire evacuation drills on the premises;
 - (c) ensure that –
 - i. the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - ii. updated records of revised emergency plans, fire protection programs, 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.
- (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 programs 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 time and place as the Service may determine.

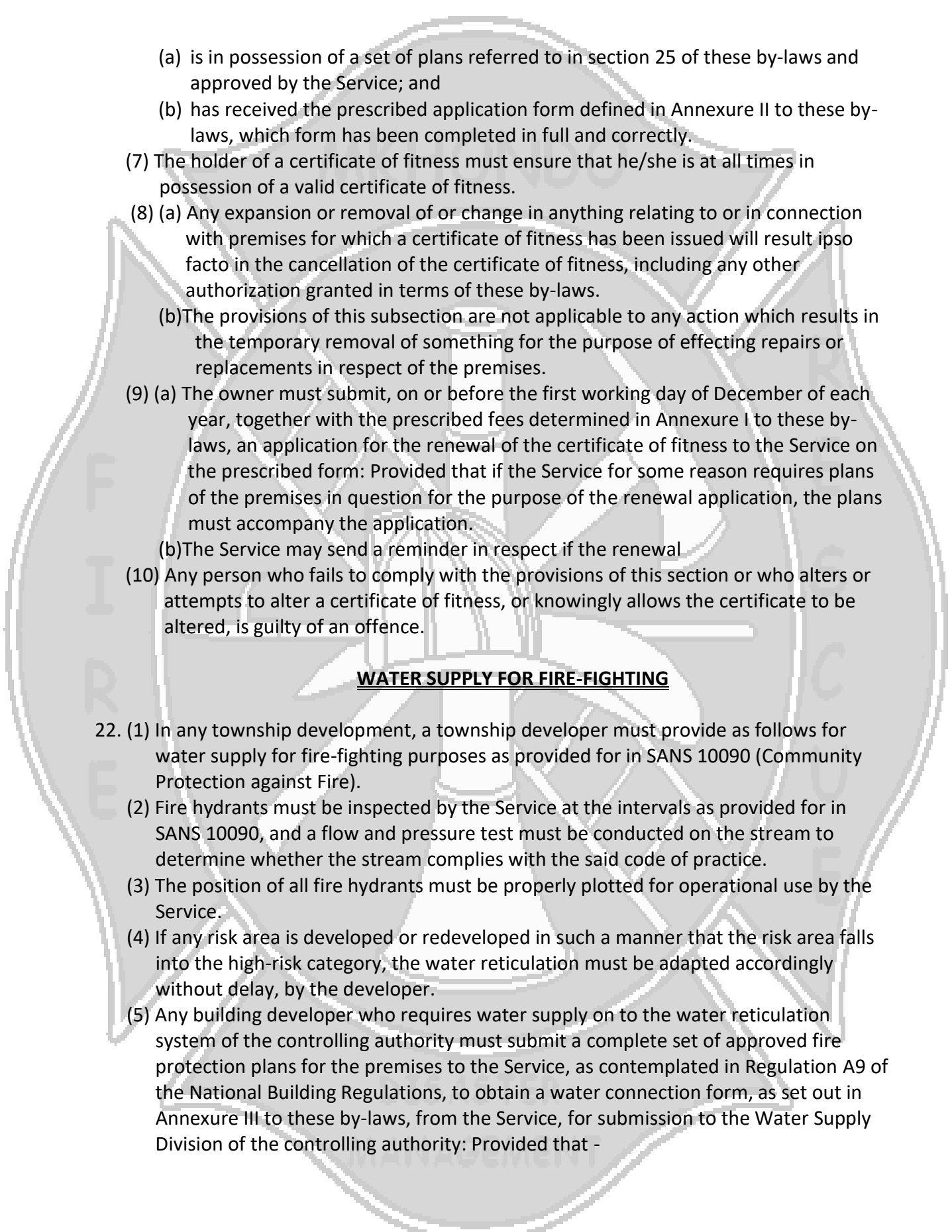
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

BUILDING PLANS TO BE SIGNED OFF BY FIRE DEPARTMENT

20. (1) Plans must be submitted to the Department for all new buildings that are planned to be build.
- (2) Fire plans should be handed in for all major buildings e.g. shopping centers, hospitals, Town Houses, complexes and any other building identified by the Fire Department.
- (3) Any person who fails to comply with the provision of this section is guilty of an offence.

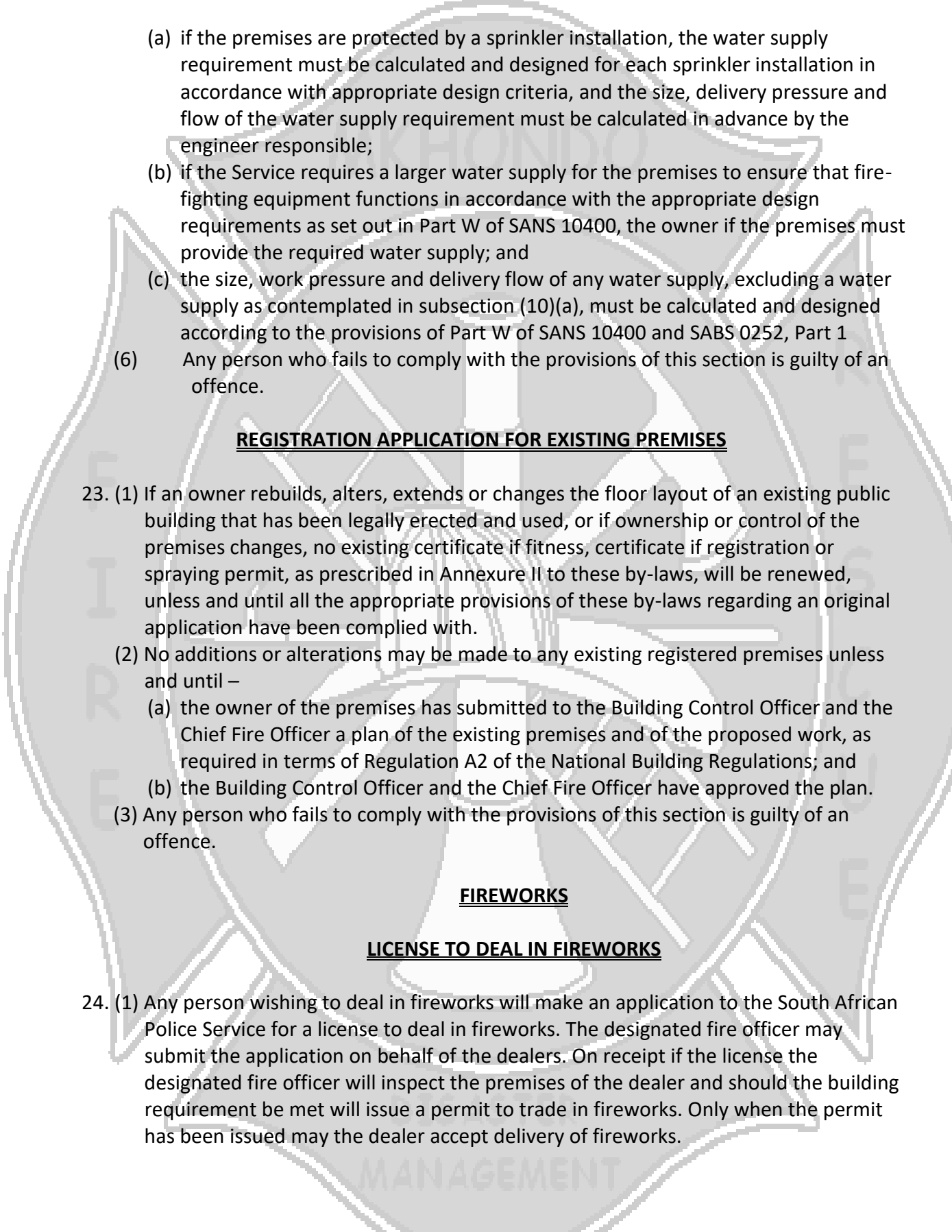
CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS

21. (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay 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 fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable.
- (a) The trade name and street address of each occupier
 - (b) The type of activity of each occupier
 - (c) The name of the person in the executive
 - (d) The permissible number of people in proportion to the usable floor area
 - (e) The number of emergency exits and their widths
 - (f) A cancellation clause in the event of any applicable provision of these by-laws being disregarded
 - (g) An obligation on the part of the holder of the certificate to –
 - i. display the certificate prominently on the premises at all times; and
 - ii. maintain the certificate in a legible condition at all times
 - (h) A date, year and serial number
 - i. the date of expiry of the certificate
- (4) Subject to the provisions of section 21 of these by-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority –

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- A large, faint watermark logo of a fire department is centered on the page. The logo features a Maltese cross with a fire hydrant in the center. The words 'FIRE' and 'SUPPLY' are written vertically on the left and right sides of the cross, respectively. The words 'WATER' and 'FOR' are written horizontally across the top and bottom of the cross. The entire logo is rendered in a light gray color.
- (a) is in possession of a set of plans referred to in section 25 of these by-laws and approved by the Service; and
 - (b) has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (8) (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result ipso facto in the cancellation of the certificate of fitness, including any other authorization granted in terms of these by-laws.
- (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plans 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 if the renewal
- (10) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

WATER SUPPLY FOR FIRE-FIGHTING

22. (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).
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.
 - (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
 - (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
 - (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure III to these by-laws, from the Service, for submission to the Water Supply Division of the controlling authority: Provided that -

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- (a) if the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
 - (b) if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and
 - (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (10)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SABS 0252, Part 1
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

REGISTRATION APPLICATION FOR EXISTING PREMISES

23. (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing public building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until –
- (a) the owner of the premises has submitted to the Building Control Officer and 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.

FIREWORKS

LICENSE TO DEAL IN FIREWORKS

24. (1) Any person wishing to deal in fireworks will make an application to the South African Police Service for a license to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the license the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

REQUIREMENTS FOR HANDLING AND STORAGE OF FIREWORKS

- (2) (a) Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- (b) The doors to the exit shall be kept unlocked and unbolted during trading hours and a clear passage shall exist between the counters holding the fireworks and all the exits, and no obstacle shall be placed in these passages.
- (c) A dealer must have at all times on his premises a 9kg dry chemical powder fire extinguisher which must be serviced annually and kept in a readily accessible position or as determined by a designated fire officer.
- (d) A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks are kept locked away. When packs are opened these must be kept in glass cabinets or metal containers under lock and key separated from goods of an inflammable or combustible nature.
- (e) Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built accordingly to the specifications as per the regulations.
- (f) A dealer shall not interfere with the inner packaging of the fireworks, or allow or permit it to be interfered with.
- (g) Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- (h) Notices with 100 mm red lettering on a white background must be provided as follows; -
- (i) to the outside of the premises in the prominent position adjacent to the every entrance, notice reading, Dealer in Fireworks;
 - (ii) in prominent positions inside the premises "No Smoking" signs compliant to SANS 1186.
- (i) Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorized persons having access to the fireworks and shall abstain from any act whatsoever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall not be kept at least 5 m away from the fireworks.
- (j) No Person shall smoke in, or take a naked light or fire into, premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so.
- (k) Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

TRADE

- (3) (a) A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall

retain for a period of least two (2) years for production on demand by an inspector.

- (b) A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale of fireworks.
- (c) A dealer shall supply fireworks to the public only in the sealed inner packaging as received from the manufacturer or wholesale dealer, provided that the package are still in a good condition.
- (d) A dealer shall not sell or allow or permit to be sold any fireworks to a child under the age of eighteen (18) years.
- (e) A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and by-laws, and the conditions attached to his license to deal.
- (f) A dealer shall keep a register in which full particulars of each transaction and the aforementioned license number shall be recorded. This register shall be kept up to date and be made available for inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry.
- (g) A dealer's premises may be inspected at any time by an inspector of explosives or fire officer.
- (h) Any person on such premises, who fails to comply with a request made by the licensee or his employee in the interest of safety, shall be guilty of an offence.

FIREWORKS FOR SALE TO THE PUBLIC

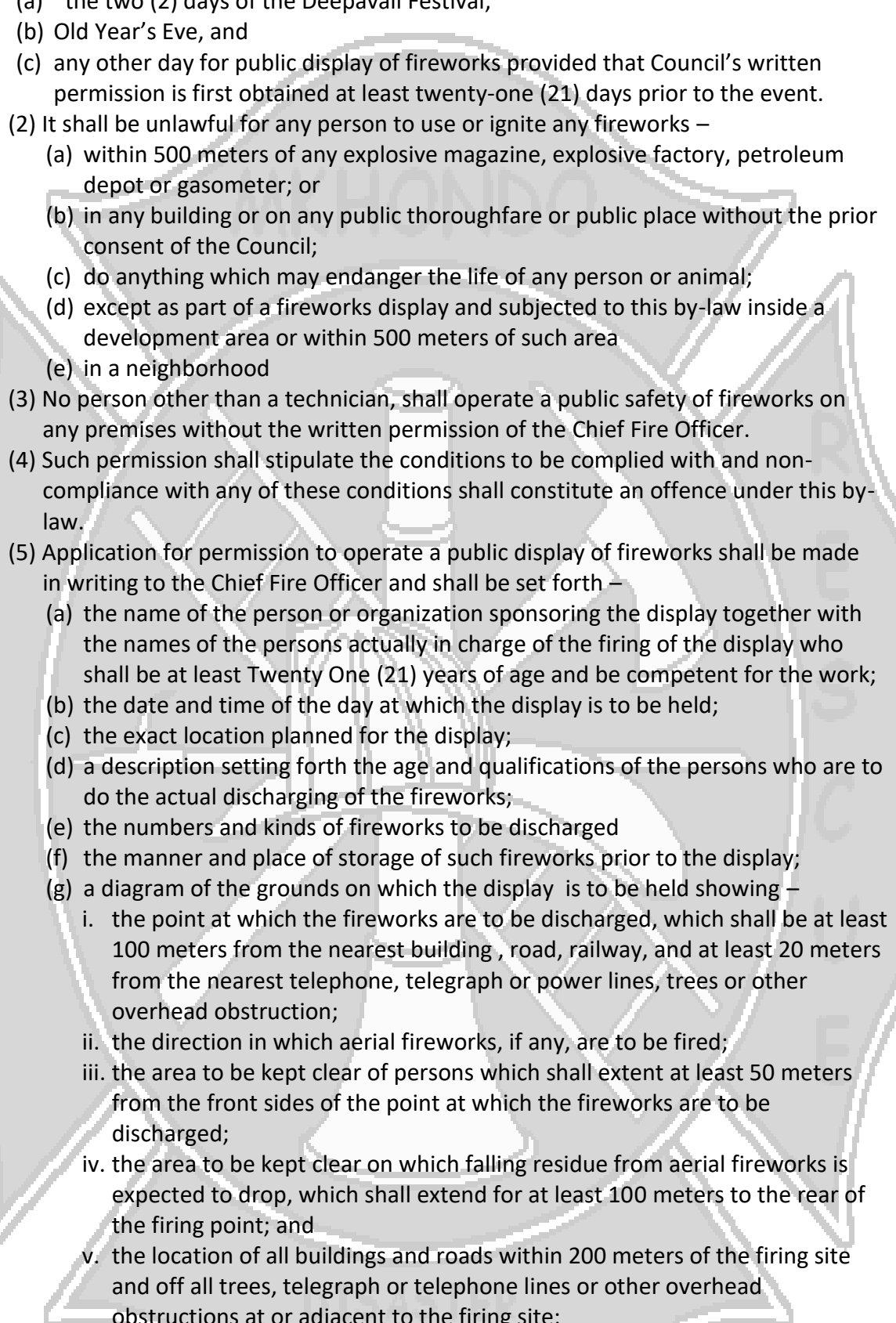
- (4) (1) The following fireworks are illegal and may not be sold to the public –
 - (a) firecrackers
 - (b) match crackers or match strike crackers
 - (c) firecrackers commonly known as “Bombs”, e.g. Indian King, King India, Classic Foils, etc.
 - (d) all explosive fireworks;

The sale of fireworks must be recorded.

- (2) All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labeled, and packed in accordance with the Explosives Regulations and any person deemed to be in possession of “unauthorized explosives” shall be guilty of an offence
- (3) Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid license issued in terms of the regulations, and the number of such license shall be quoted on the invoice.

USE OF FIREWORKS

- (5) (1) The discharge of fireworks within the municipal area is unlawful with the exception of; -

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- (a) the two (2) days of the Deepavali Festival;
 - (b) Old Year's Eve, and
 - (c) any other day for public display of fireworks provided that Council's written permission is first obtained at least twenty-one (21) days prior to the event.
- (2) It shall be unlawful for any person to use or ignite any fireworks –
- (a) within 500 meters of any explosive magazine, explosive factory, petroleum depot or gasometer; or
 - (b) in any building or on any public thoroughfare or public place without the prior consent of the Council;
 - (c) do anything which may endanger the life of any person or animal;
 - (d) except as part of a fireworks display and subjected to this by-law inside a development area or within 500 meters of such area
 - (e) in a neighborhood
- (3) No person other than a technician, shall operate a public safety of fireworks on any premises without the written permission of the Chief Fire Officer.
- (4) Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this by-law.
- (5) Application for permission to operate a public display of fireworks shall be made in writing to the Chief Fire Officer and shall be set forth –
- (a) the name of the person or organization sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least Twenty One (21) years of age and be competent for the work;
 - (b) the date and time of the day at which the display is to be held;
 - (c) the exact location planned for the display;
 - (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
 - (e) the numbers and kinds of fireworks to be discharged
 - (f) the manner and place of storage of such fireworks prior to the display;
 - (g) a diagram of the grounds on which the display is to be held showing –
 - i. the point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road, railway, and at least 20 meters from the nearest telephone, telegraph or power lines, trees or other overhead obstruction;
 - ii. the direction in which aerial fireworks, if any, are to be fired;
 - iii. the area to be kept clear of persons which shall extent at least 50 meters from the front sides of the point at which the fireworks are to be discharged;
 - iv. the area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 meters to the rear of the firing point; and
 - v. the location of all buildings and roads within 200 meters of the firing site and off all trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site;

- vi. completion of any indemnity form absolving Council from any civil claims;
- vii. acknowledgement that the authority is at Council's discretion and that the requirements of legislation will be complied with.

(6) At a public display of fireworks it shall be an offence:-

- (a) for any person willfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
- (b) for any unauthorized person willfully to proceed beyond the area demarcated by the organizers of the display for spectators;
- (c) to disobey the instruction of a uniformed law enforcement officer.

PYROTECHNIC DISPLAYS

(6)(1) In the event of a pyrotechnic display emergency flares must accompany the displayers.

(2) All pyrotechnic displays applied for to, and approved by, the Council shall be advertised in the local press on two occasions (consecutive weeks) immediately prior to the pyrotechnic display. These advertisements shall advertise the date, time and venue at which the pyrotechnic display is to be held, and the cost of such advertisement shall be for the account of the applicant.

(3) Application shall be done in accordance with section 24 subsection 5 of these by-law and on the prescribed form available from the Chief Fire Officer.

TRANSPORT OF FIREWORKS

(7) The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No. 3648 dated 8 September 1972.

USE OF OTHER EXPLOSIVES

(8) Any explosives for the use of which provisions is not made in the preceding regulations of these by-laws, shall be used only in such a manner and under such conditions as may be prescribed in writing by an inspector of explosives.

DISTRIBUTION POINT

(9) The number of distribution points for sale of fireworks shall be restricted.

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

PART IV

HAZARDOUS SUBSTANCES

APPLICATION FOR APPROVAL OF PLANS

25. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, alternation, 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 in connection with such use, storage or handling of hazardous substances 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 to these by-laws, but these fees do not include 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 submissions 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 Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (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) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or construction have not been erected in accordance with the approved plans.
- (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.

ISSUING OF CERTIFICATES OF REGISTRATION

26. (1) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this

section are not applicable:

Group I: Explosives

Fireworks

Group II: Gases

- 2.1 Flammable gases total cylinder capacity may not exceed 100 Kg
- 2.2 Non-flammable gasses total cylinder capacity may not exceed 333 Kg
- 2.3 Toxic gases No exemption

Group III: Flammable Liquids

- 3.1 With flash points $\geq 18\text{ C}^\circ$ total quantity may not exceed 100 Liter
- 3.2 With flash points $> 18\text{ C}^\circ$ total quantity may not but $\leq 23\text{ C}^\circ$ exceed 400 L
- 3.3 With flash points $> 23\text{ C}^\circ$ total quantity may not but $\leq 61\text{ C}^\circ$ exceed 1000 L
- 3.4 With flash points $> 61\text{ C}^\circ$ total quantity may not but $\leq 100\text{ C}^\circ$ exceed 1000L

Group IV: Flammable Solids

- 4.1 Flammable solids total quantity may not exceed 250 Kg
- 4.2 Pyrophoric substances No exemption
- 4.3 Water-reactive No exemption substances

Group V: Oxidizing agents and organic peroxides

- 5.1 Oxidizing agent's total quantity may not exceed 200 Kg
- 5.2 Group II organic total quantity may not peroxides in packets exceed 200Kg

Group VI: Toxic/infective substance

- 6.1 Group I toxic substances total quantity may not in packets exceed 5 Kg
- 6.2 Group II toxic substances total quantity may not in packets exceed 50 Kg
- 6.3 Group III toxic substances total quantity may not in packets exceed 500 Kg
- 6.4 Infective substance 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 50 Kg
- 8.2 Group II acids in packets total quantity may not exceed 200 Kg
- 8.3 Group III acids in packets total quantity may not exceed 1000 Kg
- 8.4 Group I alkaline total quantity may not substances in packets exceed 50 Kg
- 8.5 Group II alkaline total quantity may not substances in packets exceed 200Kg
- 8.6 Group III alkaline total quantity may not substances in packets exceed 1000 Kg

Group IX: Miscellaneous substances

- 9.1 Liquids total quantity may not exceed 210 L

9.2 Solids total quantity may not exceed 210 Kg

- (2) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in subsection (1), or have them stored, used or handled, or permit to be stored, used or handled, unless the hazardous substances are stored, used or handled in such place or in such manner as to ensure that –
 - (a) No hazardous substance or fumes of the substance 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 hazardous substance 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.
- (3) No person may, on any unregistered premises, use or handle hazardous substances, 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 to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Hazardous substances may be stored on unregistered premises only if the hazardous substances are, when not in use, stored in strong, labeled containers that seal tightly
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate –
 - (a) must at all times be displayed in a 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 hazardous substances for which the premises have been registered
 - (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility
 - (e) must reflect the number of storerooms and the total capacity of each storeroom
 - (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation
 - (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility
 - (h) must reflect a serial number
 - (i) must indicate whether the issue of such 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 only be twelve calendar months, calculated from the date of issue, and written application for renewal of certificate reaches the Service at least one month prior to the expiry date
 - (k) is not transferable from premises to premises

- (l) must, subject to the provisions of section 26 of these by-laws, be transferable from owner to owner and/or from control to control of 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 on the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service
- (m) will not be issued unless the Service is in possession of a set of approved plans as required by section 25 of these by-laws; and
- (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7) (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of 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
- (8) 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.
- (9) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (10) Any person who fails to comply with the provision 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.

SUPPLY OF HAZARDOUS SUBSTANCES

- 27. (1) No person may –
 - (a) supply more hazardous substances than the quantities referred to in section 26(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
 - (b) deliver or supply more hazardous substances of a group other than the quantity specified in the applicable certificate of registration of hazardous substances 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 hazardous substance 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.

EXEMPTIONS

28. (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 engine: Provided that the volume of the fuel tank does not exceed 1000 liter and the fuel tank is surrounded by a liquid proof bund wall, volumetrically be capable of containing the maximum proposed quantity of liquid, plus 10 % of the volume tank.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION

29. (1) Any holder of a certificate of registration or spraying permit must, before the first working day of December each year, submit an application for renewal of the certificate or permit to the Service on the prescribed form (MFD 001), which form 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 purpose of renewal.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES

30. (1) The Service may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in Section 26(1) of these by-laws: Provided that –
- (a) if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 Liter;
 - (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 on section 25 of these by-laws; and
 - (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure

that the storage tank is surrounded by a liquid proof bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10 % of the volume of the tank;

- (a) Provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (b) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;
 - (c) no source of ignition or potential ignition is brought within 5 m of the storage tank;
 - (d) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
 - (e) a minimum of two 9 kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

DELIVERY OF HAZARDOUS SUBSTANCES

31. (1) Any person delivering hazardous substances to any supplier or user –
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road.
 - (b) may not, while delivering, let any delivery hose line lie 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 9 kg dry chemical fire extinguisher is ready at all times;
 - (d) must ensure that, during the transferal of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances 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 hazardous substances is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the specific purpose and is in safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substances is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substances to an aircraft unless and until the

- aircraft has been earthed with the transferal 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.

PROHIBITION OF CERTAIN ACTIONS

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

"NO SMOKING" SIGNS

33. (1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform to SABS 1186 and be 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.

FIRE-FIGHTING EQUIPMENT

34. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate registration in terms of section 26 of these by-laws and/or spaying permit in terms of section 50 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 SABS 1567 (carbon dioxide type), SANS 1910 (dry chemical powder, foam and water types) and SABS 1571 (transportable type), of a minimum capacity of 9 kg or 9 L, as the case may be, in ratio of one fire extinguisher to every 100 m² or part of it: Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
 - (b) hose reels, as specified in SABS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0.5 L/second at a work pressure of 300 kPa;
 - (c) fire hydrants, with couplings as specified in SABS 1128, Part II (Firefighting equipment – couplings), in ratio of at least one to every 1000 m² or part if it; and\
 - (d) approved sprinkler systems in any above ground facility, of which the capacity is 9 m³ or larger, with the exception of temporary storage facilities as referred to in section 30 of these by-laws, and installed in positions indicated on the plans referred to in section 25 of these by-laws.
- (2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SABS 0105 and SABS 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 specification of SABS 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.

REPORTING FIRES, ACCIDENTS AND DUMPING

35. (1) The occupier of any premises must immediately report any fire, accident or dumping involving hazardous substances on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.

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

SAMPLING

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

STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE

37. (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 39 of these by-laws, remove the tank or device or have the tank or device removed, or fill up the tank with matter as provided in SANS 10089-3
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE

38. (1) No person may enter or permit any other person to enter any storage tank which contained Group III hazardous substances, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089-1, as amended.
- (2) No person may enter any storage tank which contained Group III hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.

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

INSTALLATION, ERECTION, REMOVAL AND DEMOLITION

39. (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 thereto or in connection therewith;
 - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (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 25 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance of these by-laws.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

GROUP I HAZARDOUS SUBSTANCES

40. (1) All Group I hazardous substances (explosives) must be handled, used stored and transported in accordance with the provisions of SABS 0228,0229,0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
- (2) (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.
- (b) The Chief Fire Officer may impose any fire protection measures he/she deems

necessary according to the circumstances in question.

- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this section is guilty of an offence, and the explosives or fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.

GROUP II HAZARDOUS SUBSTANCES

- 41. (1) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SABS 0228, SABS 0229, and SABS 0238, as the case may be.
- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SABS 0228, SABS 0229, SABS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (3) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

BULK CONTAINERS

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

MANIFOLD INSTALLATIONS

- (5) (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 L 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 such cylinders are installed in accordance with the requirements of SANS 10087-1.
 - (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 Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.

- (ii) Scientifically based detailed calculations and test must be the basis of such proof.
- (6)(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 non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
- (c) The provisions of section 41(5)(b) of these by-laws are applicable mutatis mutandis to this subsection.
- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the device must be used strictly in accordance with the requirements of SABS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.
- (8) The installation within the area of underground pipelines for any Group II hazardous substances, and branches or manifolds of pipelines, as the case may be, is mutatis mutandis subject to the provisions of Sections 23, 24, 25, 26, 28, 30, and 32 of these by-laws.

UNDERGROUND PIPELINES

- (9) Any underground pipeline for a Group II hazardous substance must comply with the following requirements:
- The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600 L/min 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.
 - 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.
 - 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.
 - 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 total be done according to a recognized standard approved by the Chief Fire Officer.
 - No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.



GROUP III HAZARDOUS SUBSTANCES

TANK MANUFACTURE

42. (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 hazardous substances, unless the tank has been manufactured in accordance with the provisions of SABS 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 SABS 1535 is guilty of an offence.

INSTALATION OF STORAGE TANKS

43. (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SABS 1089, Parts I, II and III; SABS 0108 and SABS 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;
 - b. all pumps and filling devices installed indoors must be in purpose-built, registered premises;
 - c. all installations, as contemplated in subsection (1)(a) and (b), as the case may be; and
 - d. all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in section 30 of these by-laws.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART V

CONSTRUCTION OF VEHICLES, AS WELL AD TRANSPORTATION AND TRANSPORT PERMITS

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

44. (1) Any road tanker for the transportation of Groups II, III, V, VI, VII and IX hazardous substances must be constructed and maintained in accordance with the provisions of SABS 0189, SABS 1398 and SABS 0233, as the case may be, and must be labeled in accordance with the provisions of SABS 0232, the Hazardous Substance Act, 1973, and any regulations made under the Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in section 2(1) of the Hazardous Substances Act, 1973, must –
- a. be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
 - b. have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
 - c. be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 Kg or more;
 - d. be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
 - e. be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog mechanism that can be locked;
 - f. have electrical wiring that complies with the requirements of SABS 314 and be maintained in accordance with SABS 314;
 - g. have at least two static-free wheel blocks;
 - h. have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
 - i. have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit: Provided that portable containers that contain or have contained Group II hazardous substances may only be transported in an open-bodied vehicle; and
 - j. have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in section 46 of these by-laws must be equipped with at least two 9 Kg dry chemical fire extinguishers, which extinguishers must be –

- a. designed and manufactured in accordance with the specifications contained in SANS 1910;
 - b. maintained in accordance with SABS 0105 and SABS 1475; and
 - c. so positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substances in a road tanker or in any other vehicle contrary to any requirements contained in this section, or has it so transported or permits it to be so transported, is guilty of an offence.

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

45. (1) Any driver of a vehicle referred to in section 44 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transport Act, 1977 (Act 74 of 1977), as well as required by the Fire Department, and must act in accordance with SABS 0189, SABS 0232, the Hazardous Substance Act, 1973, and the regulations made under the Act.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

SERVICE TRANSPORT PERMIT

46. (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to section 46 of these by-laws, have a valid transport permit in terms of this section for transporting hazardous substances: Provided that –
- a. each vehicle for which such a permit has been issued must comply with the provisions of section 44 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 hazardous substance registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit must –
- a. indicate the date of issue and the date of expiry;
 - b. be valid for a period of twelve months from the date of issue;
 - c. indicate the name, in block letters, of the issuing officer and bearer the officers signature;

- d. indicate a year-linked serial number;
 - e. indicate the group and quantity of hazardous substances to be transported;
 - f. indicate the registration number of the vehicle in question;
 - g. be displayed in a purpose-made waterproof container attached to the side if the chassis frame supporting the tank, load level or load space; and
 - h. at all times be maintained in a legible condition.
- (3) 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.
- (4) 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.

EXCEPTIONS WITH REGARD TO TRANSPORT PERMITS

47. (1) Subject to the provisions of section 45 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said section 45:

a. Single-load hazardous substance(s)

1. Group I: Explosives

No exemption

2. Group II: Gasses

2.1 Flammable gases total cylinder may not exceed 100 Kg

2.2 Non-flammable gases total cylinder capacity may not exceed 333 Kg

2.3 Toxic gases No exemption

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

3. Group III: Flammable Liquids

3.1 With flash points $\leq 18^{\circ}\text{C}$ total quantity may not exceed 100 Liter

3.2 With flash points $> 18^{\circ}\text{C}$ total quantity may not exceed 400 Liter

3.3 With flash points $> 23^{\circ}\text{C}$ total quantity but $\leq 61^{\circ}\text{C}$ may not exceed 100 Liter

3.4 With flash points $> 61^{\circ}\text{C}$ total quantity but $\leq 100^{\circ}\text{C}$ may not exceed 1000 Liter

4. Group IV: Flammable Solids

4.1 Flammable solids total quantity may not exceed 250 Kg

4.2 Pyrophoric substances No exemption

4.3 Water-reactive No exemption substances

5. Group V: Oxidizing agents and organic peroxides

5.1 Oxidizing agents total quantity may not exceed 200 Kg

5.2 Group I organic No exemption peroxides in packets

5.3 Group II organic total quantity peroxides in packets may not exceed 200 Kg

6. Group VI: Toxic/infective substances

6.1 Group I toxic substances total quantity in packets may not exceed 5 Kg

6.2 Group II toxic substances total quantity in packets may not exceed 50 Kg

6.3 Group III toxic substances total quantity in packets may not exceed 500 Kg

6.4 Infective substances No exemption

7. Group VII: Radioactive Materials

No exemptions

8. Group VIII: Corrosive/caustic substances

8.1 Group I acids in packets total quantity may not exceed 50 Kg

8.2 Group II acids in packets total quantity may not exceed 200 Kg

8.3 Group III acids in packets total quantity may not exceed 1000 Kg

8.4 Group I alkaline total quantity substances in packets may not exceed 50 Kg

8.5 Group II alkaline total quantity substances in packets may not exceed 200 Kg

8.6 Group III alkaline total quantity substances in packets may not exceed 1000 Kg

9. Group IX: Miscellaneous substances

9.1 Liquids total quantity may not exceed 210 Liter

9.2 Solids total quantity may not exceed 210 Kg

b. Multiple-load hazardous substances

No exemptions

PART VI

STOREROOMS FOR HAZARDOUS SUBSTANCES

REQUIREMENTS FOR STOREROOMS

CAPACITY

48. (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in section 47 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.

DANGER NOTICES IN STOREROOM

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

DISPLAY OF CERTIFICATE OF REGISTRATION

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

CONSTRUCTION OF STOREROOMS (EXCLUDING STOREROOMS IN RECOGNIZED BULK DEPOTS AND BULK INSTALLATION)

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

boundary of any premises.

DOORS

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

WINDOWS

- (6) All window frames must be manufactured of steel and must –
- be fitted with wire glass with a minimum of 8 mm thick
 - have window panels with a maximum size of 450 mm x 450 mm: 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 –
- the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored on the storeroom, plus 10 %
 - the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation free grill, which grill must serve as a floor on which corrosion free shelves and/or the contents of the storeroom must be placed;
 - an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - the catch pit must, at its lowest level, have a noncorrosive drainage valve for cleaning purposes and for product recovery.

VENTILATION

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

NATURAL VENTILATION

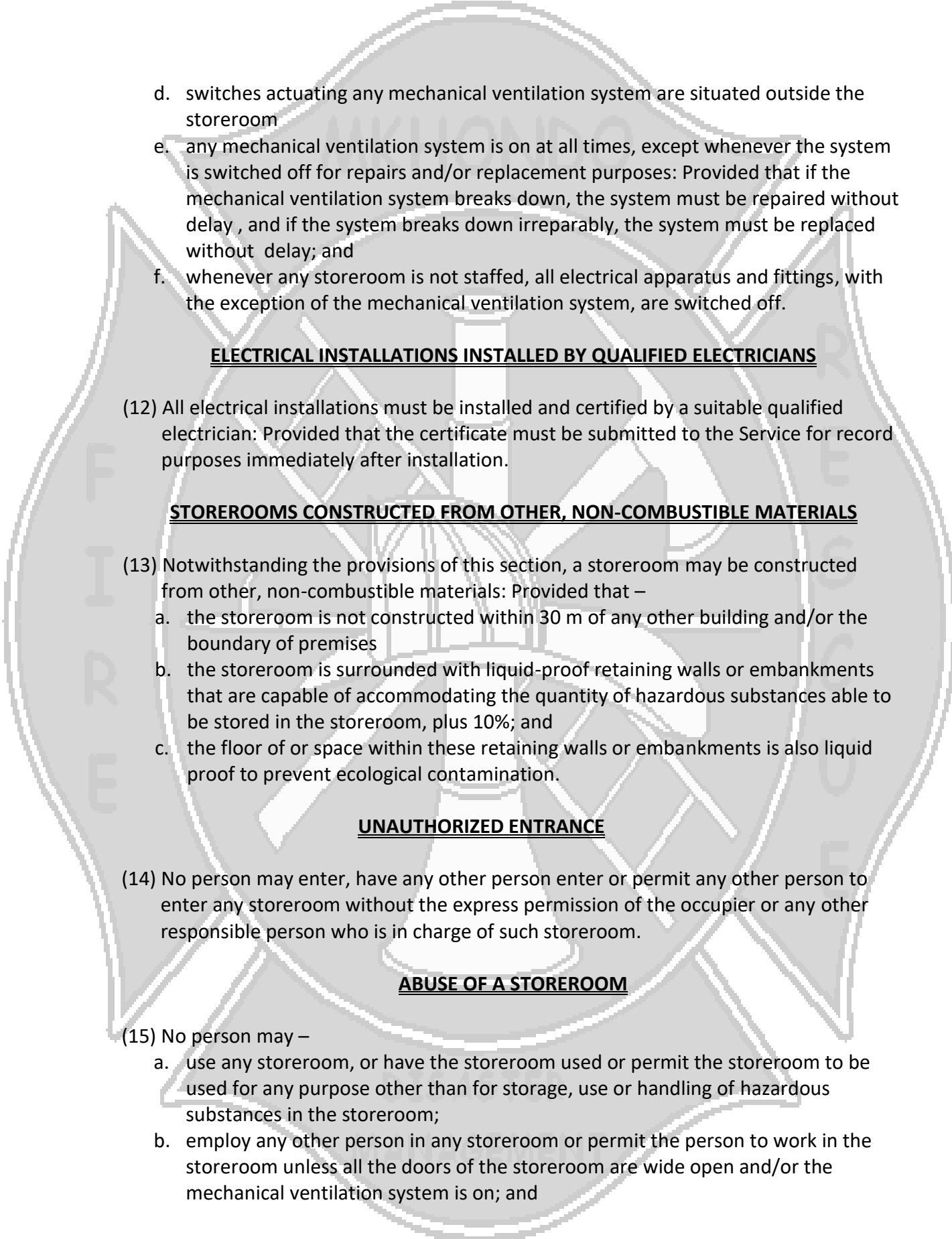
- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the normal opening must be at least 0.5 mm: Provided that the airbricks are –
- a. provided in at least three external walls; and
 - b. positioned 100 mm above the level of the sill and 100 mm below the roof and not more than 450 mm apart.

MECHANICAL VENTILATION

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

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 accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SABS 0108
 - b. all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions of SABS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
 - c. all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground

- 
- d. switches actuating any mechanical ventilation system are situated outside the storeroom
 - e. any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
 - f. whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

ELECTRICAL INSTALLATIONS INSTALLED BY QUALIFIED ELECTRICIANS

- (12) All electrical installations must be installed and certified by a suitable 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

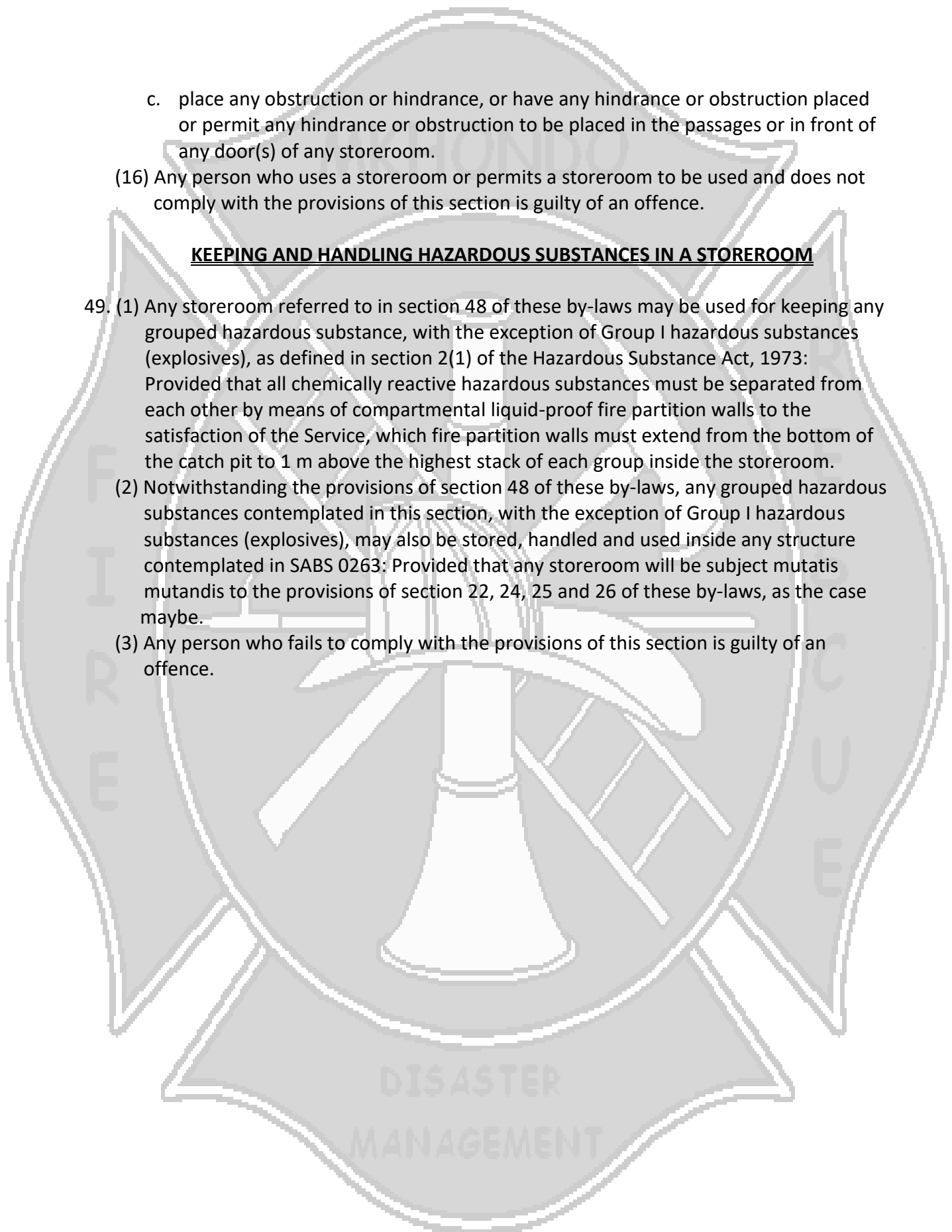
- (13) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that –
- a. the storeroom is not constructed within 30 m of any other building and/or the boundary of premises
 - b. the storeroom is surrounded with liquid-proof retaining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

UNAUTHORIZED ENTRANCE

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

ABUSE OF A STOREROOM

- (15) No person may –
- a. use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for storage, use or handling of hazardous substances in the storeroom;
 - b. employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and

- 
- c. place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.
- (16) 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.

KEEPING AND HANDLING HAZARDOUS SUBSTANCES IN A STOREROOM

49. (1) Any storeroom referred to in section 48 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives), as defined in section 2(1) of the Hazardous Substance Act, 1973: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 48 of these by-laws, any grouped hazardous substances contemplated in this section, with the exception of Group I hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SABS 0263: Provided that any storeroom will be subject mutatis mutandis to the provisions of section 22, 24, 25 and 26 of these by-laws, as the case maybe.
- (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

REGISTRATION OF SPRAY-PAINTING ROOMS

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

PROHIBITION OF CERTAIN ACTIONS

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

DISPLAY AND CONDITIONS OF SPRAYING PERMIT

- (3) A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
 - b. The spraying permit must be legible at all times.
 - c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - d. A serial number must be indicated on the spraying permit.
 - e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.
 - f. The spraying permit is not transferable from premises to premises.
 - g. In case of reconstructing, the spraying permit is, subject to the provisions of section 23, 29 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 the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit

must ensure that the change is immediately brought to the attention of the Service.

- h. The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 25 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) These fees prescribed in Annexure I to these by-laws must accompany any application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
(iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS

51. (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 reinforced concrete.
 - d. The doors must be Class B-type fire doors as contemplated in SABS 1253.
 - e. The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- a. The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2.5 mm.
 - b. The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1.3mm.

- 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 frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass a minimum thickness of 8 mm.
 - f. All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in subsections (1) and (2), including any service 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 preferred unit is suitable only if such a unit is evaluated by the SABS or CSIR and is found to be suitable for the particular intended purpose.

LOCATION OF AND ACCESS TO A SPRAYING ROOM

- (5)(a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purpose of escaping, which doors must –
- (i) open to the outside.
 - (ii) be at least 800mm x 2000 mm in extent.
 - (iii) be positioned in opposite sides, provided that, whenever there is an object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m: and
 - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against fire walls: Provided that not more than two sides of the spraying room may border the fire walls.

WATER FLOORS

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

ELECTRICAL EQUIPMENT

- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate class and division type for the particular area in terms of SABS 0108.
- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SABS 0108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) A suitable qualified electrician must install and certify all electrical installations: Provided that the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

MECHANICAL VENTILATION

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

FIRE DAMPERS, FIRE DETECTORS AND FIRE ALARMS

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

POSITIONING OF VENTILATION OUTLETS

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

DISPLAY OF SIGNS PROHIBITING OPEN FLAMES AND SMOKING

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

MAINTENANCE OF SPRAYING ROOMS

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

UNAUTHORIZED ACCESS

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



ABUSE OF SPRAYING ROOM

(18) No person may –

- (a) use any spraying room or permit any spraying room to be used for any purpose other than for 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 permits any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

PROVISIONS OF FIRE-FIGHTING EQUIPMENT

- (19)(a) Any spraying room must have a 9kg dry chemical fire extinguisher on the inside, as well as a 9 kg dry chemical fire extinguisher and a 9 kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in section 34(1)(b) of these by-laws.

DRYING KILN/HEATING DEVICES

- (20) Whenever any manifold installation of a Group II hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087-1, and the relevant provisions of these by-laws will apply mutatis mutandis in the application of this section.
- (21) Any person who fails to comply with the provisions of this section is guilty of an offence.



PART VIII

ANIMALS

HANDLING ANIMALS DURING EMERGENCIES

52. (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may -
- (a) 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
WATER RESCUE & WATER SAFETY

53. Application – The Merchant Shipping (National Small Vessel Safety) Regulations 2007 apply to and in relation to every pleasure vessel (regardless of size) that is used on inland waters and but not only to vessels under three meters in length except otherwise stated

54. Safety appliance and equipment –

The owner and skipper of any vessel must ensure that –

(a) items of safety appliance and equipment are provided and maintained on board the vessel in accordance with the requirements of Annexure VI and

(b) the other requirements of Annexure VI are complied with in relation to the vessel

The skipper of a vessel must ensure that an approved buoyancy aid or lifejacket of the kind required by these regulations is worn by –

every child under 12 years of age on deck at all times when the vessel is underway

The skipper or person operating any power- driven vessel of more than 15 horse power and of nine meter or less in length may not get underway unless there is an operational kill switch attached to the operator.

55. Safety of Navigation -

The skipper of a vessel must ensure at all times that the vessel is operated in accordance with –

the collision regulations as defined in the act

the instruction and specification of the manufacturer of the vessel and if power driven, of the vessel's propulsion machinery

No person may operate a vessel in a careless manner, without reasonable consideration for other persons or without due care and attention, taking into account –

(a) the weather

(b) visibility

(c) the presence of persons or vessels in the body of water, including concentrations of persons and vessels in the immediate vicinity of the vessel

(d) the speed and maneuverability of the vessel, with special reference to stopping distance and capability in the prevailing conditions;

(e) light conditions, including the presence of background light from shore lights or from backscatter of the vessels own lights

(f) water conditions, currents and the proximity of navigational hazards and

(g) any other hazards that could adversely affect the safety of persons or property

56. Carrying persons in excess –

Except in an emergency, neither the owner nor the skipper of a vessel may cause or allow the number of persons, including crew members, on board the vessel to exceed the number determined by the certifying authority and specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel

57. Responsibilities of the owner –

The owner of a vessel must ensure that the vessel is operated by or under the constant guidance of a skipper who is physically able and of sound mental health and who, in the case of –

a commercial vessel; or

a pleasure vessel that is either a sailing vessel if nine meters or more in overall length or a power-driven vessel with a propulsion power exceeding 15 horsepower, holds subject to regulation 18(2), a valid certificate of competence issued by a certifying authority

58. Physical and mental fitness

No person may operate a vessel or any of a vessels equipment or machinery while –
the concentration of intoxicating liquor in any specimen of blood taken from any part of his or her body is 0.05 gram or more per 100 milliliters or
the concentration of intoxicating liquor in any specimen of breath exhaled by such person is 0.24 milligrams or more per 1000 milliliters

59. Age Limit

No person under the age of 16 years may operate a power-driven pleasure vessel having a propulsion power exceeding 15 horsepower, unless –
that person does so under the guidance and constant supervision of a person who is the holder of a valid certificate of competence
in the case of a single-handed vessel, that person does so under the guidance and supervision of an authorized agency, or a person referred to above
that person is certified by an authorized agency to be a competent person engaged in training for competitive sport.

60. Marking of Vessels

The owner of a vessel must ensure that the marking approved in respect of the vessel is displayed and continued on the vessel in accordance with the Directions of the Authority, and that the information recorded with the Director-General is correct.

61. Vessels not to be used without Certificate of fitness

Neither the owner nor the skipper of a vessel to which this part applies may cause or allow the vessel to be operated anywhere in the Republic, unless there is on board a valid certificate of fitness in respect of that vessel

62. Custody and production of certificate of fitness

The owner and skipper of a vessel must ensure that the original certificate of fitness issued in respect of the vessel, or a certified copy thereof, is kept available on board the vessel for inspection at reasonable time.

63. Offences due to fault of another person

Where the commission by any person of an offence in term of regulation 34(1) Merchant Shipping (National Small Vessel Safety) Regulations 2007 is due to the act or omission of some other person also commits the offence and may be charged with and convicted of the offence by virtue of this regulation, whether or not proceedings are taken against the first-mentioned person.

64. Supplementary requirements for water skiing

No person may water-ski between the hours of dusk and dawn

No person may water-ski while under the influence of intoxicating liquor or any substance having a narcotic effect.

A water-skier must wear a suitable flotation aid of the type and quality prescribed in Annexure 1 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

A water-skier must comport himself or herself in such way as not to create a nuisance or danger for other water users

The skipper of the towing must ensure that there is a competent person in the vessel to observe the water-skier

The skipper of the towing vehicle vessel must carry a 500 millimeter square red flag in the vessel and cause it to be clearly exhibited when the vessel is engaged in picking up a water-skier or dragging a tow

The skipper of a vessel may not follow closer than 100 meters in the wake of another vessel towing a person, water-skier or a towable aquatic or airborne device.

65. Supplementary requirements for personal watercraft, power-driven vessel not exceeding 15 horsepower, sailing vessels of less than seven meters in overall length, and rowing or paddling vessels

Power-driven vessels not exceeding 15 horsepower, sailing dinghies and non-power driven vessels of less than seven meters in overall length need not comply with regulations 6, 9, Part 4 and Annexure 1 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 but must –

have sufficient buoyancy to keep the vessel afloat when completely swamped and carry the safety equipment provided for in the applicable table in Annexure 2 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007

PART X

PENALTIES

PENALTIES FOR CONTRAVENTIONS

66. Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R 5 000,00 or, in default of payment, liable to imprisonment for a period not exceeding six months.

67. Any person who contravenes or fails to comply with any provision as set out in Part IX as well as the of the Merchant Shipping (National Small Vessel Safety) Regulations 2007 as a whole is guilty of an offence and is liable to a fine as set out in the Admission of Guilt document for National Small Vessels Safety Regulations 2007.



PART XI

GENERAL

OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS

68. 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.

REPEAL OF BY-LAWS

69. The following by-laws are hereby repealed:

- (a) the Municipality of Mkhondo: Fire Brigade By-laws, published under Notice , as amended;

SHORT TITLE

70. These by-laws are called the Municipality of Mkhondo: Fire Service By-laws and their provisions come into operation on the

PART XI

ANNEXURES

ANNEXURE I

TARIFFS

FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 OF THE FIRE BRIGADE SERVICE ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING EMERGENCY SERVICES

1. The following tariffs shall be applicable in Fire Brigade Services (OPERATIONS)

Table 1

SERVICE INSIDE MUNICIPAL AREA	CURRENT TARRIFS	TARRIFS AS FROM 1 July 2021
1.1 Basic call out fee	R 861.00	R 930.94
1.2 Use of vehicle/ fire pumps/ rescue equipment	Tariff per vehicle per hour or portion of an hour	TYPE OF VEHICLE (a) Light R 813.54 (b) Medium R 1121.08 (c) Heavy R 1410.96 (d) Rescue R 1121.08 (e) Special R 1121.08 (f) Grass R 356.38 (g) Extrication R 1079.52
1.3 Crew/Use of fire fighters	(Tariff per member per hour or portion of an hour) As per	(Tariff per member per hour or portion of an hour) R 199.49 + 25% per member
1.4 Water from municipal supplies	Cost price based on Council's previous financial year's figures as per financial statements	Tariff determined for municipal use. (Departmental tariff)
1.5 Material/Foam/Hazmat Equipment	That tariff that is levied is that of material used, at cost, plus an administration levy of 25 % of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply	That tariff that is levied is that of material used, at cost, plus an administration levy of 25 % of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply

Table 2

SERVICE OUTSIDE MUNICIPAL AREA	CURRENT TARRIFS	TARRIFS AS FROM 01 JULY 2010
1.1 Basic call out fee	As per T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction

1.2 Use of vehicle/ fire pumps/ rescue equipment	As per T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction
1.3 Crew/Use of fire fighters	As per T1	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction
1.4 Water from municipal supplies	Cost price based on Council's previous financial year's figures as per financial statements	Tariff determined for municipal use. (Departmental tariff)
1.5 Material/Foam/Hazmat Equipment	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction	The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction

1.1 USE OF CREW MEMBERS

Tariff per member is for an hour or portion of an hour
(Time is calculated from arrival up to departure)

1.2 USE OF MATERIALS

The tariff that is levied is that of materials used, at cost, plus an administration levy of 25% of the cost of such materials: Provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply.

1.3 USE OF SERVICE OUTSIDE THE JURISDICTION OF THE CONTROLLING AUTHORITY

The tariffs set out in this annexure, plus a surcharge of 50%, will be levied if the Service is used outside the area of jurisdiction.

1.4 REBATE

If the Service is used for a building that is used exclusively for residential purposes, the Chief Fire Officer may, at his/her discretion, limit the total amount payable in respect of Table 1 & 2 above to an amount he decides on.

2. The following tariffs shall be applicable on Fire Brigade Services (TRAINING)

Table 3

Fire Extinguisher Training (8 Hours)	Current Tariffs	Tariffs as from 1 July 2021
1. Training per delegate at local fire station	R 704.00	R 837.43
2. Training per delegate not at fire station	R 1464.00	R 1 741.36 plus traveling cost determined by council in accordance with Department of Transport tariffs

Basic Fire Fighting Training (40 Hours)	Current Tariffs	Tariffs as from 1 July 2021
1. Training per delegate at local fire station	1623.00	R 1 931.50
2. Training per delegate not at fire station	R 1464.00	R 3 704.04 plus traveling cost determined by council in accordance with Department of Transport tariffs

3. The following tariffs shall be applicable on Fire Brigade Services(STORAGE, USE AND HANDLING OF HAZARDOUS SUBSTANCES)

Table 4

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2021
1. Dry-cleaning room	Yearly	Yearly
	R 480.00	R 570.41 (each)
2. Mixing room	R 480.00	R 570.41 (each)
3. Spray room	R 480.00	R 570.41 (each)
4. Carbide Store	R 480.00	R 570.41 (each)
5. Liquid petroleum gas installations	R 480.00	R 570.41 (each)
6. Group I: Explosives – Fire works	R 1037.00	R 1233.29
7. Group II: Gas		
7.1 Not more than 600 Kg	R 414.00	R 492.89
7.2 600 Kg but not more than 9000 Kg	R 626.00	R 744.96
7.3 9000 Kg but not more than 100 000 Kg	R 1037.00	R 1 233.29
7.4 Bulk Depot – more than 100 000 Kg	R 3127.00	R 3 720.66
8. Group III: Flammable Liquids		
8.1 Capacity up to and including 2,300 liters	R 411.00	R 489.37
8.2 Capacity from 2,301 liters to 4,500 liters	R 626.00	R 744.96
8.3 Capacity from 4,501 liters to 23,000 liters	R 735.00	R 874.84
8.4 Capacity from 23,001 liters to 100,000 liters	R 1037.00	R 1 233.29
8.5 Capacity from 100,001 liters to 200,000 liters	R 3127.00	R 3 720.66
8.6 Bulk Depot – more than 200,000 liters	R 5623.00	R 6 689.08
9. Group IV: Flammable solids		R 729.38
10. Group V: Oxidizing agents & organic peroxides		R 729.38
11. Group VI: Toxic/Infective substances		R 729.38
12. Group VII: Radio active		R 729.38
13. Group VIII: Corrosive/caustic substances		R 729.38
14. Group IX: Miscellaneous substances		R 729.38
15. Transfer of certificate of registration/permit	R 680.00	R 808.34
16. Duplicate document	R 906.00	R 1 077.44
17. Payment of yearly fees		
17.1 For the issue of every certificate of registration or permit the yearly charges shall be as prescribed in this schedule: Provided that if liability to pay charges arises on or after 01 July in		

a year, the charges payable shall be half the yearly charges.		
17.2 For the annual renewal of a certificate of registration or permit, the charges shall be as prescribed in this schedule		

4. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF INSPECTION OF VEHICLES TRANSPORTING HAZARDOUS SUBSTANCES/TRANSPORTING HAZARDOUS SUBSTANCES**

Table 5

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2021
1. Road tank trailer	Yearly	Yearly
	R 857.00	R 1 019.26
2. Motor vehicle, other than a road tank trailer, designed to be used for the conveyance of hazardous substances in excess of the amount permitted	R 857.00	R 1 019.26
3. Any vehicle, other than a motor vehicle or a road tank trailer, designed to be used for the conveyance of hazardous substances in excess of the amount permitted	R 857.00	R 1 019.26

4. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF FIRE PREVENTION INSPECTIONS CARRIED OUT ON PREMISES**

Table 6

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2021
1. Per Fire Prevention Inspection	Yearly	Yearly
	R 453.00	R 538.20

5. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF APPLICATION FOR POPULATION CERTIFICATES ON PREMISES**

Table 7

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2021
1. Population Certificate	Yearly	Yearly
	R 906.00	R 1 077.44

6. The following tariffs shall be applicable on Fire Brigade Services on **TARIFF OF CHARGES IN RESPECT OF REGISTRATION TO INSTALL AND MAINTAIN FIRE FIGHTING EQUIPMENT**

Table 8

DESCRIPTION	CURRENT TARIFFS	TARIFFS FROM 1 JULY 2021
1. Certificate to install and maintain firefighting equipment	Yearly	Yearly
	R 440.00	R 522.62
2. Penalty Fee – Late Registration for Documents		R 103.90 per month
3. Evacuation and Emergency Plans		R 623.40 per plan
4. Filling of Swimming Pool (excl use if equipment)		R487.91 for 1 st ½hour R 248.87 for every ½ thereafter

7. GENERAL DIRECTIVES FOR THE PAYMENT OF THE ABOVE FEES

- 1) All certificates of registration, certificates of fitness 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 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 application forms are available from the Service and must be completed in full, where applicable, is duly signed.
- 4) If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of fitness 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) (a) The tariff for premises that are liable for registration in respect of table 3 point 9 - 14, or a combination of them, will be a single fee of R 675.00, irrespective of the combination of items: Provided that such combination applies to one premises and is under the same control.
- (b) 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.

8. EXEMPTION

The fees payable in terms of the above are not applicable to property of the controlling authority, unless the property is leased.

9. ADJUSTMENT IN FEES PAYABLE TO THE SERVICE AS CONTEMPLATED IN TABEL 1 TO 8 OF THIS ANNEXURE

The Service must ensure that all fees referred to I Table 1 to 8 of this annexure are adjusted to keep trend with inflation according to the consumer price index.

ANNEXURE II

OFFICIAL DOCUMENTS

A. GENERAL

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

B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer
9. The date on which the document was issued
10. The expiry date of the document
11. The type of document, such as:
 - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
 - (2) "Application for a certificate of fitness" or "Certificate of fitness"
 - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/spraying permit"
 - (4) "Application for transport permit" or "Transport Permit"
 - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
12. Any other relevant information such as:
 - (1) The groups and subgroups of hazardous substances for which registration is required
 - (2) The required quantity of each group of hazardous substance
 - (3) The manner in which the substances are to be stored, for example –
 - (a) in an underground storage tank;
 - (b) in an above-ground storage tank;
 - (c) in a hazardous substance store; or

- (d) in a manifold installation
- (4) An indication of all spray-painting rooms and submersion tanks, as the case may be
- 13. A watermark (on all permits and certificates)
- 14. A serial number (on all permits and certificates)
- 15. A receipt number (on all permits and certificates)
- 16. The official stamp of the Service.

C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

- (1) The purpose for which application forms are used must appear at the top of all application forms.
- (2) (a) All application forms must have all the administrative information as contained in paragraph B
- (b) On all application forms, space must be left in which the correct application fee, as contained in Annexure I to these by-laws, can be indicated prominently on red figures.
- (c) A warning must appear below the application fee to the effect that the applicant is granted 14 working days (weekends & public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again, before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SABS codes of practice and/or specifications, as the case may be.
- (4) At the top of each checklist –
 - (a) it must be stated that the checklist is for office use only;
 - (b) space must be set aside for the date, time and place of the appointment for an inspection; and
 - (c) space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- (5) At the end of each checklist, space must be set aside for –
 - (a) the signature of the member of the Service who completed the checklist;
 - (b) the date on which the checklist was completed; and
 - (c) an indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for –
 - (a) full particulars of the registration officer who received the application fee;
 - (b) the method of payment, for example cash, postal order or cheque; and
 - (c) an official receipt number.

2. PERMITS AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in table 3 – 7 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

3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph B, a round disc with the following information must form part of the official documentation of the Service in case of transport permits:

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

ANNEXURE III

EMERGENCY EVACUATION PLANS

A. GENERAL

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

B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.
2. **Dealing with and furnishing information contained in the emergency evacuation plan**
 - (1) **The emergency evacuation plan in its entirety**
 - (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
 - (b) A number of copies must be kept in a safe in the control room.
 - (2) **Emergency telephone numbers and bomb threat questionnaire**

Emergency telephone numbers and bomb threat questionnaire must be on hand at all telephones on the premises.
 - (3) **Duties and responsibilities of emergency personnel**

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.
 - (4) **Action plans and emergency actions**

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.
 - (5) **Plans of the layout of the premises and escape routes**

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

3. Training of Staff members

Staff members must be trained in the following:

- (1) First aid and/or firefighting
- (2) Emergency aid
- (3) Emergency evacuation procedures
- (4) Emergency management techniques
(Drills of the emergency evacuation plan are an excellent training program and offer the opportunity for the improvement of the plan.)

C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

Any emergency evacuation plan must contain the following:

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

ANNEXURE IV

IDENTIFICATION OF DESIGNATED OFFICERS

1. REQUIREMENTS FOR THE CERTIFICATE OF APPOINTMENT

The following particulars, as prescribed in section 3 of Government Notice R 159 of 2 February 1979, must appear on the certificate of appointment in at least two of the official languages of the Republic, where applicable:

- (1) The full name of the person appointed;
- (2) The person's identity number
- (3) The person's signature
- (4) The person's photograph
- (5) A description of the capacity in which the person is appointed
- (6) The name of the employer who made the appointment; and
- (7) The signature and official stamp of the employer or responsible person

2. POWERS OF DESIGNATED OFFICERS

The powers of designated officers must appear on the reverse of the certificate of appointment, or alternatively, on a supplementary card of the same size, and this card must be attached to the certificate of appointment, with the following, in at least two of the official languages of the Republic, where applicable:

POWERS

The bearer of this certificate is a LAW ENFORCEMENT OFFICER in terms of Government Notice R 159 of 2 February 1979, as amended, and has been appointed a DEPUTY MESSENGER OF THE COURT in terms of section 15(2) of the Magistrates Court Act, 1944 (Act 32 of 1944).

3. APPOINTMENT AS INSPECTOR OF EXPLOSIVES

- (1) All designated officers must also possess certificates of appointment, issued by the Chief Inspector of Explosives in terms of Section 2(5) of the Explosives Act, 1956, for the purposes of policing and enforcing the law with regard to the storage, sale and use of fireworks.
- (2) The layout details of the certificate of appointment must correspond in toto to the layout details set out in clauses 1 and 2 above, and the bearer must produce this certificate as identification together with the certificate of appointment referred to in clause 1.
- (3) The following information, in at least two of the official languages of the Republic, where applicable, must appear on the certificate:

POWERS

The bearer of this certificate is an INSPECTOR OF EXPLOSIVES in terms of section 2(5) of the Explosives Act, 1956 (Act 26 of 1956), with regard to the STORAGE, SALE AND USE OF FIREWORKS.

ANNEXURE V

NORMATIVE REFERENCE LIST

1. NORMATIVE REFERENCES

1.1 NATIONAL LEGISLATION

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

NO	ACT NO	TITLE OF ACT
1	63 OF 1977	Health Act, 1977
2	99 of 1987	Fire Brigade Service Act , 1987
3	32 of 2000	Municipal Service Act, 2000
4	117 of 1998	Municipal Structure Act, 1998
5	103 of 1977	National Building Regulations and Building Standards Act, 1977
6	101 of 1998	National Veldt and Forest Fire Act, 1998
7	10 of 1998	Rationalization of Local Government Affairs Act, 1988
8	15 of 1973	Hazardous Substances Act, 1973
9	85 of 1993	Occupational Health and Safety Act, 1993
10	93 of 1996	National Road Traffic Act, 1996
11	68 of 1995	South African Police Service Act, 1995
12	32 of 1944	Magistrates Court Act, 1944
13	26 of 1956	Explosives Act, 1956
14	74 of 1977	Road Transportation Act, 1977
15	43 of 1996	National Archives of South Africa Act, 1996
16		Merchant Shipping (National Small Vessel Safety) Regulations 2007
17	57 of 1951	Merchant Shipping Act, 1951
18	13 of 2001	Marine Notice No 13 of 2011

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

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

NO	NO OF STANDARD	TITLE OF STANDARD / CODE OF PRACTICE / SPECIFICATIONS
1	SABS 193	Fire Dampers

2	SABS 314	Electrical Wiring
3	SABS 541	Fire Hose Reels (with hose)
4	SABS 1186	Symbolic Safety Signage
5	SABS 1128 – 1	Fighting Equipment Part 1: Components of underground and above- ground hydrant systems
6	SABS 1128 – 1	Fire Fighting Equipment Part 1: Hose couplings, connectors and branch pipe and nozzle connections
7	SABS 1253	Fire Door Assemblies
8	SABS 1398	Road Tank Vehicles for Petroleum-Based Flammable Liquids
9	SABS 1475 – 1	The Production of Reconditioned Fire-Fighting Equipment Part 1: Portable Rechargeable Fire Extinguishers
10	SABS 1475 – 2	The Production of Reconditioned Fire-Fighting Equipment Part 2 : Fire Hose Reels
11	SABS 1535	Glass – Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
12	SABS 1567	Portable Rechargeable Fire Extinguishers – Carbon Dioxide type
13	SANS 1910	Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14	SANS 10087 – 1	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1: Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500 Liter and combined water capacity not exceeding 3000 Liter per installation
15	SANS 10087 – 2	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2: Installations in mobile units and small non- permanent buildings
16	SANS 10087 – 3	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3: Liquefied petroleum gas installations involving storage of vessels of individual water capacity exceeding 500 Liter
17	SANS 10087 – 4	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4: Transportation of LPG in bulk by road
18	SANS 10087 – 6	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application if liquefied petroleum gas as an engine fuel for internal combustion engines
19	SANS 10087 – 7	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
20	SANS 10087 – 8	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8: The fueling of forklift trucks and other gas operated vehicles
21	SABS 089 – 1	The petroleum industry Part 1: Storage and distribution of petroleum products in above-ground bulk installations
22	SABS 089 – 2	The petroleum industry Part 2: Electrical code
23	SABS 289 – 3	The petroleum industry Part 3: The installation of underground storage tanks, pumps/dispensers and pipe work at service stations and consumer installations
24	SABS 086 – 1	The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations other than mines

25	SABS 0105 – 1	The classification, use and control of fire-fighting equipment Part 1: Portable fire extinguishers
26	SABS 0105 – 2	The classification, use and control of fire-fighting equipment Part 2 : Fire hose reels
27	SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations
28	SABS 0189	The operation, handling and maintenance of road tank vehicles for flammable liquid
29	SANS 10019	Portable metal containers for compressed gasses: Basic design criteria, use and maintenance
30	SANS 10090	Community Protection Against Fire
31	SANS 10131	The Storage and Handling of Liquid Fuel
32	SANS 10400	The Application of the National Building Regulations
33	SANS 1850	The Design and Manufacture of Commercial Kitchen Extrication Systems
34	SABS 0288	The Identification and Classification of Dangerous Substances and Goods
35	SABS 0029	Packaging of Dangerous Goods For Road Traffic and Rail Transportation in South Africa
36	SABS 0230	Transportation of Dangerous Goods – Inspection requirements of Road Vehicles
37	SABS 0231	Transportation of Dangerous Goods – Operational requirements for Road Vehicles
38	SABS 0232 – 1	Transportation of Dangerous Goods – Emergency Information Systems – Part 1: Emergency Information System for Road Transportation
39	SABS 0232 – 2	Transportation of Dangerous Goods – Emergency Information Systems – Part 2: Emergency Information System for Rail Transportation
40	SABS 0232 – 3	Transportation of Dangerous Goods – Emergency Information Systems – Part 3: Emergency Action Codes
41	SABS 0233	Intermediate bulk containers for dangerous substances
42	SABS 0252 – 1	Water supply and drainage for buildings Part 1: water supply installations for buildings
43	SABS 0263	The Warehousing of Dangerous Goods – Enclosed storage areas and covered and uncovered outdoor storage yards
44	SABS 0287	Automatic sprinkler installations for fire-fighting purposes

ANNEXURE VI

Safety Appliances and equipment

1	Approved buoyancy Aid	One buoyancy aid of appropriate size to be provided for the skipper as well as each member on vessel
2	Waterproof torch including a full set of spare batteries and spare bulb	Spare bulb and batteries to be kept in watertight container- required only for vessels operating at night time
3	Hand Held Spotlight with own 12 V Battery	required only for vessels operating at night time
4	Suitable Fire Extinguisher	One per engine and, in decked vessels of 9 m or more in overall length, one in each of the following compartments where formed by complete transverse bulkheads: sleeping accommodation, galley and wheelhouse
5	Power-driven or hand operated fire-pump with hose	Required only for passenger vessels of 9 m or more in overall length. The hose must be capable of reaching all parts of the vessel and of delivering a jet of water at least 3 m in length through an adjustable jet of spray nozzle of no less than 5 mm in diameter
6	2 oars or paddles	Required only for power-driven vessels fitted with a single outboard petrol engine
7	Capsize rope for use when vessel is inverted in water	Required only for inflatable vessels and or ski-boats of less than 9 m in overall length
8	Proper patent anchor and chain suitable length of rope of suitable strength for the area of operation	Length of chain vessels of 6 m or more in overall length – at least 5 m Length of chain vessel less than 6 m in overall length – at least 3 m Length of rope – At least 100 m
9	First Aid Kit	Suitable for vessels size and to the satisfaction of the safety officer
10	Spares	Adequate for the purpose if carrying out emergency repairs to machinery and essential equipment on board
11	Tools	Adequate for the purpose if carrying out emergency repairs to machinery and essential equipment on board

