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PROVINCIAL NOTICES			
161	Notice in terms of Section 14(2)(B)(l) of the Local Government: Municipal Systems Act, 2000: Publication: Standard Environmental Health By-Law 2		
162	Notice in terms of Section 14(2)(B)(l) of the Local Government: Municipal Systems Act, 2000: Publication: Standard Fences and Fencing By-Law 14		
163	Notice in terms of Section 14(2)(B)(l) of the Local Government: Municipal Systems Act, 2000: Publication: Standard Fire and Emergency Services By-Law 18		
<u>NOTICES</u>			
	PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER 49		
	PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010. THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011 50		

PROVINCIAL NOTICES

[NO. 161 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION:
STANDARD ENVIRONMENTAL HEALTH BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director
Systems And Capacity Building
Department of Cooperative Governance
and Traditional Affairs
Local Government Branch
PO Box 211
BLOEMFONTEIN
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

SCHEDULE

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Definitions

- 1. In this by-law, unless the context indicates otherwise:—
 - “**accommodation establishment**” means any premises in or upon which the business of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include any such premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds available for occupation, or which provides no meals and has fewer than three rooms that are let or intended for letting;
 - “**agent**” means a person specifically or generally appointed to attend to the affairs of another;
 - “**animal**” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats kept as domestic pets;
 - “**boarder**” means any person to whom lodging or both lodging and meals in an accommodation establishment is or are supplied by the proprietor for reward or gain;
 - “**carcass**” means the remains of any animal or poultry;
 - “**cattery**” means any establishment where cats are bred or boarded;
 - “**child care facility**” means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;
 - “**communicable disease**” means any disease which can be communicated directly or indirectly from any person suffering therefrom or who is a carrier thereof to any other person;
 - “**cost**” means the amount determined by a duly authorized employee of the Council;
 - “**Council**” means the Council of the Municipality of or its duly authorised employee, councillor, committee or agent;
 - “**generator**” means a person who generates medical waste.
 - “**hairdresser or barber**” means a natural person who carries on business by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people’s hair or beards or providing beauty treatment for reward or gain;

“health nuisance” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is in the opinion of the Director: Municipal Health or a duly authorised Council employee potentially injurious or dangerous to health or which is offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“kennel” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“medical certificate” means a certificate signed by a medical practitioner;

“medical practitioner” means a person registered as such under the laws relating to the registration of persons as medical practitioners;

“medical waste” includes—

- (1) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 1992, Act No. 51 of 1992);
- (2) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and catheter-bags; gloves, drip bags, administration lines and tongue depressers.
- (3) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;
- (4) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;
- (5) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

“municipality” means the Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee

“nightsoil” means human excrement not disposed of in an approved sanitary convenience;

“objectionable material” means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

“occupier” in relation to any premises means and includes —

- (1) Any person in actual occupation of those premises; or
- (2) Any person legally entitled to occupy those premises; or
- (3) Any person having the charge or management of those premises, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown.

“offensive” means a state of affairs which is a health hazard or which has the potential to result in a health hazard

“overcrowding” means

- (1) a residential occupancy in excess of 12 occupants per sanitary convenience and/or
- (2) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and/or 1 child under 10 years of age per 2 m².

“owner” includes—

- (1) The person or persons in whom from time to time is vested the legal title to any immovable property.
- (2) In any case where a property is subject to a registered lease the lessee of such property.
- (3) In cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his or her creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.
- (4) In cases where the owner as above described is absent the agent or person receiving the rent of the property in question.
- (5) In any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property.

“**permit**” means the written permission granted by the Council in terms of this by-law.

“**person**” includes any sphere of government; natural and juristic person includes any sphere of government; natural and juristic persons

“**poultry**” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovite, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild.

“**premises**” means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat.

“**proprietor**”, in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on business by supplying lodging or both lodging and meals for reward or gain and includes an owner of said property;

“**structure**” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for the keeping, housing or enclosing of animals and poultry;

“**styptic**” means a substance applied to stop bleeding.

“**trades**” for purpose of this by-law is restricted to the following: accommodation establishments, hairdressers and barbers, tattooing and body piercing of humans and child care facilities.

“**transporter**” means any person who removes medical waste from the premises of a generator or who transports medical waste or both.

“**verminous**” means being infested with vermin which includes but is not limited to lice, fleas and any organism which may infest or be parasitic on a person.

PART 1 PREVENTION AND SUPPRESSION OF HEALTH NUISANCES

Health nuisance

2. No owner or occupier of any shop or business premises or vacant land adjoining a shop or business premises must use, cause or permit to be used such shop or business premises, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates, cartons, containers or any other articles of like nature, in such a way as to cause a health nuisance.

Prevention of health nuisances

3. Notwithstanding the provision of any other By-law or legislation no person must—
 - (1) Allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community.
 - (2) Fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair.
 - (3) Deposit, keep, cause or permit to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the Council.
 - (4) Keep, cause or suffer to be kept upon any premises any sanitary convenience of such nature or in such condition that it is a health nuisance.
 - (5) Carry, convey or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become a health nuisance, unless such objectionable material or thing is covered with suitable material in order to prevent the creation of any health nuisance.
 - (6) Cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises to that owned or occupied by him or her or of which he or she is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance.
 - (7) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into any storm water, river or canal system.
 - (8) Commit, cause or permit to be committed any act which may pollute any water to which inhabitants of the area of jurisdiction of the council have the right of use or access.

Accumulation of waste

4. (1) Where any objectionable material, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2 or 3 the Council may serve a notice, to abate such health nuisance, on —

- (a) The person directly or indirectly responsible for such accumulation or storing; or
 - (b) The owner of such material, article or thing, whether or not he or she is responsible for such accumulation, or storing; or
 - (c) The owner of the erf on which such accumulation or storing takes place, whether or not he is responsible therefor, or
 - (d) The owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation.
- (2) In the event of the recipient failing to comply with the requirements of a notice served on him or her in terms of subsection (1) within the time specified in such notice, the Council may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such premises and clear from such premises any such trees, bushes, weeds, grass, stones and rubble or objectionable matter. The cost of such work must be recoverable by the Council in any court of competent jurisdiction from the person in default.

Occupation of premises

5. No person must occupy or cause or suffer to be occupied any premises for habitable purposes so as to be a health nuisance, whether by overcrowding or otherwise.

Letting of premises

6. The owner of any premises which is let or sublet to more than one tenant, must maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.

Factory or trade premises

7. No person must keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluvia that constitute a health nuisance.

Precautions by occupier or owner

8. Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the Council, must take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and must take steps for the eradication of mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests. An authorised person employed by council may serve upon such owner, occupier or person in charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.

Accumulation or deposit of health nuisance

9. No person must keep, cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.

Occupation of unserviced land

10. No person must, without the written permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on unserviced land except on an authorised camping or caravan site.

Contraventions

11. Any person who contravenes or fails to comply with any provisions of this Part or fails to comply with any notice lawfully given thereunder is guilty of an offence.

PART 2 KEEPING OF ANIMALS AND POULTRY

Keeping of animals

12. In order to promote public health no person must keep or permit to be kept on any premises or property any animal or poultry without the permission of the Council.

Permit

13. (1) For the purpose of promoting public health and restricting public nuisances, the Council may from time to time determine the number, kinds and sex of animals or poultry that may be kept per unit area and the areas within which such animals or poultry must be prohibited.
- (2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.
- (3) Permits issued in terms hereof are not transferable and must only be valid for the specific property in respect of which the application was made.

Requirements and approvals

14. (1) The Council may require an application in terms of section 13(2) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- (2) The Council may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 13(2).
- (3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.
- (4) No structure that accommodates animals must be sited:
- a) within 15m of any boundary of the erf which abuts another residential erf; and
 - b) within 6m of any boundary of the erf which abuts any road or public open space.
 - c) within 4,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.
- (5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5m from such habitable room and must not be under the same roof space as the habitable room.
- (6) No structure in which poultry is kept must be sited :
- a) within 1,5m from any boundary of a residential erf; and
 - b) within 1,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.
- (7) All structures in which animals or poultry are kept must be suitably screened from any street to the satisfaction of the Council.
- (8) No structure in which poultry is kept must have a height in excess of 3,5m.
- (9) Notwithstanding the aforementioned provisions, the Council may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.

Storage of substances and disposal of carcasses

15. (1) All manure resulting from the keeping of animals and poultry must, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.
- (2) All feed must be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.
- (3) The premises for keeping of animals and poultry must be kept in such condition as not to attract or provide harbourage for rodents.
- (4) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Council.

Stores

16. The municipality may from time to time determine that a fly and rodent proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals, poultry and pigeons are kept.

Keeping of kennel or cattery

17. No person must keep a kennel or cattery unless the following requirements are complied with:
- (1) Dogs and cats must be kept in a separate enclosures:
- i) constructed of durable materials and with adequate access for cleaning, disinfecting and de-vermination purposes.
 - ii) with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel must drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of 100mm or to another approved disposal system.
 - iii) with a kerb 150mm high along the entire length of the channel referred to in subparagraph (ii), to prevent stormwater from such area from entering the channel.
- (2) Every enclosure referred to in subsection (1) must contain a roofed shelter for the accommodation of dogs and cats of which:
- i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - ii) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure must be coved.

- (3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in section 17(2) and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry must be provided in every such kennel.
- (4) A concrete apron at least 1m wide must be provided at the entrance of the enclosure over its full width, the apron must be graded to allow for the drainage of water away from the enclosure.
- (5) A supply of potable water, adequate for drinking and cleaning purposes, must be provided in or adjacent to every enclosure.
- (6) Separate isolation facilities for sick dogs and cats must be provided to the satisfaction of the Council.
- (7) If cages are provided for the keeping of cats, such cages must be of durable, impervious material and constructed so as to be easily cleaned.

Structures kept in good repair

18. All structures must at all times be kept in a proper state of repair by the owner or occupier of the premises.

Animal causing health nuisance

19. (1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Council may serve written notice on the holder of the permit, or in his or her absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.
- (2) The holder of a permit or the person in charge, on receiving a notice in terms of subsection (1), must comply with the requirements as specified by the Council in such notice, failing which the Council may at its discretion —
- (a) cancel the permit to keep animals on such property, or
 - (b) amend the permit.

Return of permit

20. The holder of a permit must, when requested by Council to do so, return the permit issued to him or her for amendment or cancellation, as the case may be.

Unauthorised use of structure

21. No person must alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

Contraventions

22. Any person who contravenes any of the provisions of this Part or fails to comply with any notice lawfully given thereunder must be guilty of an offence.

PART 3 MEDICAL WASTE MANAGEMENT

Generators of medical waste

23. (1) Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this By-law.
- (2) Without limiting the generality of the duty in subsection (1), generators must comply with the following requirements:
- (a) separate medical waste from other waste at the point at which it is generated;
 - (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
 - (c) label each medical waste container indelibly and in large, legible lettering with —
 - (i) the name and address of the generator;
 - (ii) the words "Danger: Medical Waste", "Gevaar: Mediese Afval" and "Ingozi: Inkunkuma Yezamayeza"; and the international bio-hazard logo; and
 - (iii) the date on which the medical waste container is removed from the generator's premises;

- (d) prevent public access to medical waste containers which are in use;
 - (e) store filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;
 - (f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this By-law and who is registered as a transporter as contemplated in section 26 of this By-law;
 - (g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.
- (3) Generators may apply in writing to the Council for permission to handle, store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Generators may transport and dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Generators must —
- (a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Council.
 - (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;
 - (c) keep the written record referred to in (a) and the notification referred to in (b) for a period of one year after the removal from their premises of the medical waste.

Transporters of medical waste

24. (1) Transporters must remove medical waste from the premises of a generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:
- (a) not remove medical waste from the containers in which the generator has stored the medical waste;
 - (b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or the containers in which it is stored;
 - (c) transport medical waste in vehicles which are —
 - (i) capable of containing the medical waste;
 - (ii) designed to prevent spillage;
 - (iii) constructed of materials which are easy to clean and to disinfect;
 - (iv) capable of being secured in order to prevent unauthorised access;
 - (d) deliver medical waste only to a person and site permitted to dispose of medical waste in terms of section 26.
- (3) Transporters may apply in writing to the Council for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which they must update simultaneously with each collection and delivery, and such record must be in the format as prescribed from time to time by the Council and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicles used for the transportation of the medical waste.

Permits and records

- 25 (1) Medical waste may only be disposed of by a person—
- (a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or who is authorised to incinerate medical waste by means of equipment which has been approved in terms of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), or both; and
 - (b) who complies with all terms and conditions attached to such permit and authorisation.

- (2) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the permit or authorisation, or both, permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.
- (3) Persons who dispose of medical waste must—
 - (a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Council.
 - (b) keep such record for a period of one year from the date on which the medical waste is disposed of.

Registration

- 26. (1) Every generator must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators and transporters must advise the Council of any changes to the information provided in terms of subsections (1) or (2) as soon as such change takes place.

Contraventions

- 27. Any person who contravenes any provision of this Part or fails to comply with any notice lawfully given thereunder commits an offence.

PART 4 TRADES

Accommodation Establishments

- 28. (1) Every accommodation establishment must comply with the following requirements:
 - (a) The premises intended to be used or already in use as an accommodation establishment must be in good structural order and repair, both internally and externally.
 - (b) All furniture, linen, utensils, fittings and equipment provided by the proprietor must be clean and in good order and sufficient for the purpose thereof.
 - (c) Every room must be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance.
 - (d) Every accommodation establishment must be provided with a sufficient number of refuse receptacles with close-fitting lids.
 - (e) An adequate number of bathrooms and toilets, suitably equipped, must be provided on the premises.
 - (f) Separate bathrooms and toilets must be provided for male and female boarders and for employees, and must be so located that they are easily accessible to those persons they are intended to serve; provided, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be supplied.
 - (g) Baths, showers and washbasins on the premises must be served at all times with running hot and cold water,
 - (h) The accommodation establishment must be provided with a suitable yard, paved and drained to the satisfaction of the Council.
 - (i) If ten (10) or more boarders can at any one time be lodged on the premises, these premises must have —
 - (i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders, and
 - (ii) a suitable dining room or dining rooms which must provide seating accommodation on the basis of not less than one (1) square meter for each boarder, if meals are provided.
 - (j) If meals are provided or cooking takes place, the establishment must have an adequately equipped kitchen.
- (2) The proprietor of an accommodation establishment must be responsible for the due compliance with and observation of the provisions of this By-law, and further he or she must be responsible for the acts, omissions and defaults of his or her employees or agents in such regard, and any breach of this by-law by himself or herself, by any member of his or her family or by any of his or her employees or agents is deemed to be a breach by the proprietor personally of this By-law.
- (3) The proprietor of an accommodation establishment must, to the satisfaction of the Council, at all times—

- (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
 - (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
 - (c) supply only wholesome food to the boarders and other persons on the premises, and
 - (d) not knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he or she is in possession of a medical certificate to the effect that such person is fit to continue his or her employment.
- (4) The proprietor of an accommodation establishment must not—
- (a) allow any portion of the premises other than an approved bedroom to be used by any person for sleeping purposes; provided that the aforesaid prohibition must not apply to any boarder occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
 - (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them have given their consent thereto, and
 - (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
 - (d) permit cooking in a living room or an area designated as a living room.
 - (e) permit the premises to become overcrowded.
- (5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

Hairdresser and barbers

29. (1) No person must conduct the business of hairdresser or barber in any premises within the municipal area unless—
- (a) all parts of the premises are effectively lit and ventilated;
 - (b) washbasins with hot and cold running water and fitted with a trapped waste pipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;
 - (c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
 - (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed, and
 - (e) he has provided a sufficient number of readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.
- (2) Every person carrying on the business of barber or hairdresser must ensure that —
- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
 - (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
 - (c) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
 - (d) every towel which has been used upon any person is adequately laundered before being used upon any other person;
 - (e) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he sits;
 - (f) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have, before being used upon any other person, been disinfected in one of the following ways
 - (i) immersion in boiling water; or
 - (ii) immersion in a disinfectant solution
 - (iii) treated in an approved disinfecting apparatus in an approved manner;
 - (g) a sufficient number of each kind of instrument, appliance or implement has been provided.
 - (h) no person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of hairdresser or barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes;

- no soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of hairdresser or barber;
- (j) no styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person;
 - (k) no person whose person or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected;
 - (l) no person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his hands immediately before doing so;
 - (m) no person suffering from any communicable disease takes part in or is permitted or allows to take any part in any operation connected with the conducting of the business of hairdresser or barber unless such person has produced a medical certificate to the effect that he or she is fit so to take part.
 - (n) where waxing is practiced, the wax used in such a procedure may only be used for one application.
- (3) The provisions of this By-law applies with the necessary changes to any beauty treatment, manicuring or similar treatment.

Tattooing and Body Piercing of Humans

30. (1) Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing.
- (2) All clip cords and spray bottles must have triggers; grasped areas must also be protected by a plastic covering which must be disposed of after use on each client.
- (3) Work surfaces must be smooth and impervious and disinfected after rendering services to each client.
- (4) Equipment and supplies must be stored in clean, designated storage cabinets.
- (5) Instruments and equipment used for any procedure must be sterilised after each client.
- (6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.
- (7) A person responsible for tattooing or piercing must wash his hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

Childcare facilities

31. (1) No child care facility may be operated without the written approval of the Director: Health or his or her authorised representative, which approval may be subject to conditions.
- (2) Applications for approval must be made on the prescribed form and will only be processed after payment of the application fee approved from time to time by the Council.
- (3) Written approval in terms of subsection (1) does not exempt any person from the requirements of any other law related to the care of children and/or the use of the premises concerned.
- (4) Notwithstanding subsection (1) all child care facilities legally in operation at the time of promulgation of this By-law must be exempted from requiring written approval for a period of 1 year from such promulgation.

Contraventions

32. Any person who contravenes any of the provisions of this Part is guilty of an offence.

PART 5:

THE CONVEYING AND HANDLING FOR SALE OF MEAT INTENDED FOR HUMAN CONSUMPTION

Handling of meat for human consumption

33. No person must convey or cause or allow to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:
- (a) If the conveyance is a vehicle of 1 ton or over:
 - (i) Its internal walls, floor and roof must be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining must be rounded at all corners, junctions and intersections, and all joints must be seamless. The vehicle must be maintained externally, internally and mechanically in good order and repair.
 - (ii) Its body must be insulated in such a way that the temperature of the meat must not rise more than 5° Centigrade per hour.
 - (iii) The rear end or sides of its body must be fitted with a closely fitting metal door or doors, the interior of which must also be of non-corrodible metal and be as far as possible free of projections and ledges.

- (iv) A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.
- (v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, must be fitted to the roof of the vehicle, and all carcasses, or portions of carcasses must be hung therefrom during transit. Such bar or bars must be fixed high enough to ensure that carcasses hang clear of the floor.
- (vi) All chains or bars used for stabilising the load must be of non-corrodible metal and so installed that they can be easily removed for cleaning.
- (vii) A loose non-corrodible container, approved by the Director: Municipal Health or his authorised representative, and easily removable for cleaning, must be provided inside the vehicle for conveying offal, and no offal must be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.
- (b) If the conveyance is a trailer, it must comply with the provisions of subparagraph (a)(i), (ii), (iii), (v), (vi) and (vii).
- (c) If the conveyance is a vehicle of under 1 ton:
 - (i) It must comply with the requirements of subparagraph (a) (i) and (iii).
 - (ii) It must be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is conveyed in non-corrodible containers of adequate size, approved by the Director: Municipal Health or his or her authorized representative, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of subparagraph (a) (vii) above.
- (d) If the conveyance is a vehicle, conveying meat to a retail customer, the provisions of subparagraph (a) (i) and (iii) must be complied with.
- (e) Cooked or prepared meats must be conveyed in non-corrodible containers approved by the Director: Municipal Health or his or her authorized representative and must be wrapped or covered so as to prevent contamination.
- (f) Save as provided in subparagraphs (c) (ii) and (e), no meat must be conveyed on the floor of any vehicle.
- (g) No person, animal or article liable to contaminate meat must be carried in any vehicle used for conveying for sale any meat intended for human consumption.
- (h) The name and address of the owner and the trade name, if any, of his or her business must be printed in clear letters and figures, so as to be easily seen and legible, on both sides of every vehicle used for conveying meat for sale for human consumption.

Bulk handling of meat

34. (1) All persons engaged in the bulk handling for sale of meat intended for human consumption must wear clean protective covers of a material approved by the Director: Municipal Health or his authorized representative over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.
- (2) All employers of such persons must provide them with such covers and must ensure that the provisions of subsection (1) are complied with.

Exemptions

35. For a period of four years after the date of promulgation of this By law, the provisions of paragraphs 34(a) (i), (ii), (iii), (v) and (vi), 34(b), except the provision that the trailer should comply with paragraph 34(a) (vii) and 34(d) of this by-law, do not apply to any vehicle already lawfully in use at such date for conveying meat for sale intended for human consumption.

Interpretation

36. The provisions of this Part must be in addition to, and not in substitution for, the provisions of any other regulations of the Council relating to food intended for sale, except in so far as such regulations may be repugnant to or inconsistent with this regulation, in which case the provisions of this by-law must prevail.

Contraventions

37. Any person who contravenes or fails to comply with any of the provisions of this Part is guilty of an offence.

PART 6: GENERAL PROVISIONS

Right of entry and inspection

38. (1) Any duly authorised employee of the Council is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.

- 2) When entering a premises in terms of sub-section (1), the authorised employed must on request by any person, identify himself or herself by producing written proof of authorisation.
- 3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

Service of documents and process

39. (1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person:
- (a) when it has been delivered to him or her personally;
 - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his or her address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c), or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or occupier of or holding some other right in respect of immovable property, it must not be necessary to name him or her but it must be sufficient if he or she is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

Penalties

40. (1) Any person convicted of an offence under this By-law is liable to a fine and/or imprisonment for a period not exceeding two years.
- (2) In the case of a continuing offence an additional fine and/or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.
- (3) In addition to any penalty imposed in terms of subsections (1) and (2), the person so convicted is liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

Exemptions

41. (1) Notwithstanding the provisions of this By-law, the Council may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.
- (2) Any premises on which animals or poultry are already being kept must be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.
- (3) All permits, authorisations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by section 43 must be deemed to have been granted in terms of this By-law.

Repeal

42. Any by-laws relating to environmental health adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short title

43. These by-laws are called the Environmental Health By-laws, 2011.

[NO. 162 OF 2010]

NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD FENCES AND FENCING BY-LAW

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.

- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director
 Systems And Capacity Building
 Department of Cooperative Governance
 and Traditional Affairs
 Local Government Branch
 PO Box 211
 BLOEMFONTEIN
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

SCHEDULE

FENCES AND FENCING BY-LAW

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Definitions

1. In this by-law, unless the context otherwise indicates -
"alter" includes to cause, allow or permit to be altered;
"boundary" means the real or notional line marking the limits of premises;
"agent", in relation to the owner of a property, means a person appointed by the owner of the property-
 (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 (b) to make payments in respect of the property on behalf of the owner;
"erect" includes to cause, allow or permit to be erected;
"fence" means any fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven, lots or stands within the municipal area, and includes a fence which is not erected on a boundary, such as a garden fence or a free-standing wall on an erf, lot or stand;
"ground level" means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;
"municipality" means the Local Municipality of established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
"public land" means land the ownership of which is vested in an organ of state;
"repair" has the meaning assigned to it in the Fencing Act, 1963 (Act 31 of 1963).

Principles and objectives

2. The Municipality, aware of its duty to provide a safe and healthy environment, in this by-law regulate fencing with the aim of safeguarding its residents and visitors to the area.

Application

3. Subject to the provisions of the Fencing Act, 1963 (Act 31 of 1963), the provisions in this by-law relating to an electrical fence, barbed wire and razor wire do not apply to land zoned for agricultural purposes, except where such electrical fence, barbed wire or razor wire is erected on the boundary between the land and public land.

Fences

4. (1) No person may, without the consent of the municipality, on a boundary of premises -
- (a) erect a fence which is more than 2 metres in height from ground level;
 - (b) alter or make an addition to an existing fence which is more than 2 metres in height from ground level;
 - (c) erect or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless it is erected on top of a wall which may not be less than 2 metres high and built of brick, cement, concrete or similar material; and
 - (d) erect a barbed-wire fence, railing, or other barrier with spikes or other sharp or pointed protrusions unless it is erected on top of a wall of not less than 2 metres in height
- (2) A person who wishes to obtain the consent of the municipality must submit an application form determined by the municipality, and the municipality may refuse or grant consent.
- (3) Should the municipality refuse permission, it must, on request, supply the applicant in writing with the reasons for the refusal.
- (4) Should the municipality grant consent, it may impose conditions, requirements or specifications according to each individual case, and subject to the provisions of SANS Code No. 1372 relating to Prefabricated Concrete Components for Fences, and the consent must be entered in Item C of the form referred to in subsection (2), and a person who has obtained consent, must at the request of an authorised official, immediately produce the consent.
- (5) A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.
- (6) No person may -
- (a) without the prior written consent of the municipality demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);
 - (b) having opened a gate in a fence, leave such gate open or unfastened;
 - (c) climb over or crawl through a fence without the permission of the owner or occupier of the land;
 - (d) erect a fence covered with -
 - (i) canvas, reeds, grass or any combustible material, except poles or split poles, or approved wood, within 4,5 metres of any street; or
 - (ii) sheet iron, corrugated galvanised iron or any other sheeting along or within 4,5 metres of any street;
 - (e) allow a fence to fall into disrepair; and
 - (f) affix to or allow to be affixed to a fence any posters, placards or similar notices, or draw or apply anything on a fence unless it is done so in terms of the Outdoor Advertising By-law .
- (7) The municipality may, whenever it appears that, in the interests of safety -
- (a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or
 - (b) the height of a wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to reduce the height of such wall, hedge or fence to a height specified in such order.
- (8) A person commits an offence if he or she contravenes a provision of subsections (1) or (6) or fails to produce consent at the request of an authorised official as contemplated in subsection (4).
- (9) Should a person fail to comply with a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5) or an instruction issued in terms of subsection (7), the municipality may serve a notice of compliance or a demolition order on the person.

Notice of compliance and representations

5. (1) The notice of compliance must state -
- (a) the name and residential or postal address of the affected person;
 - (b) the requirement which has not been complied with;
 - (c) detailed measures required to remedy the situation;
 - (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (e) the right to appeal as contained in section 9.

- (2) Where a person does appeal and fails to take the measures before the date contemplated in subsection (l)(d), he or she commits an offence, and the municipality may, irrespective of any penalty which may be imposed under section 14, act in terms of subsection (3).
- (3) The municipality may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the municipality in accordance with section 7.

Costs

- 6. (1) Should a person fail to take the measures required of him or her by a notice of compliance, the municipality may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it remedying the situation from that person and any or all of the following persons:
 - (a) the owner of the land, building or premises; or
 - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality under section 5(3).
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

Demolition order

- 7. (1) A person on whom a demolition order has been served must demolish the fence and remove the materials.
- (2) Should the municipality demolish a fence, it may dispose of the whole or any part of the materials from any fence by public auction or public tender.
- (3) The municipality may deduct from the proceeds of any materials disposed of the costs of any pulling down, removal or demolition and the costs incurred of disposal and will thereafter pay any balance to the owner of the fence removed or demolished.

Authentication and service of notices and other documents

- 8. (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served -
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

Appeal

- 9. A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), to the municipal manager within 21 days of the date of the notification of the decision.

Implementation and enforcement

- 10. (1) The municipality may appoint an official to administer the implementation and enforcement of this by-law.
- (2) A person commits an offence if he or she -
 - (a) hinders or interferes with an official in the execution of his or her official duties;
 - (b) falsely professes to be an official;
 - (c) furnishes false or misleading information when complying with a request of an official; or
 - (d) fails to comply with a request of an official.

Saving and transitional provision

11. An owner or occupier whose premises, at the date of commencement of this by-law, do not comply with the provisions of this by-law must, within a period of 6 months, ensure that his or her premises comply with the provisions of this by-law.

Exemptions

12. (1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.
(2) The municipality may -
(a) grant an exemption in writing and set and determine the period for which such exemption is granted;
(b) alter or cancel any exemption or condition in an exemption; or
(c) refuse to grant an exemption.
(3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

Liaison forums in community

13. (1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
(2) A liaison forum may consist of -
(a) a member or members of an interest group, or an affected person;
(b) a designated official or officials of the municipality; and
(c) a councillor.
(3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this By-law, request the input of a liaison forum.
(b) A liaison forum or any person contemplated in sub section (2) may on own initiative submit an input to the municipality for consideration.

Penalties

- 14.. A person who has committed an offence in terms of this by-law is on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

Repeal of by-laws

15. Any by-laws relating to fences and fencing adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

Short title

16. This by-law is called the Fences and Fencing By-law, 200....

[NO. 163 OF 2010]

NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD FIRE AND EMERGENCY SERVICES BY-LAW

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.

- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director
Systems And Capacity Building
Department of Cooperative Governance
and Traditional Affairs
Local Government Branch
PO Box 211
BLOEMFONTEIN
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

SCHEDULE

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Chapter 1**Definitions and Interpretation**

1. (1) In these By-laws unless the context otherwise indicates-
 - "**above ground storage tank**" means a tank situated above ground for the storage of flammable substances as contemplated in SABS 0131 and SABS 089 Part 1 and SABS 087 Part 3;
 - "**agricultural holding**" means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;
 - "**approved**" means as approved by the Council;
 - "**bund wall**" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;
 - "**certificate of fitness**" means a certificate contemplated in section 20;
 - "**certificate of registration**" means a certificate contemplated in section 35;
 - "**Chief Fire Officer**" means the Chief Fire Officer appointed by the Council in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting Chief Fire Officer,
 - "**Chief Inspector of Explosives**" means the Chief Inspector of Explosive appointed in terms of section 2 of the Explosives Act, 15/2003;

"Civil Aviation Authority" means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998);

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

- (a) Class O: liquefied petroleum gasses;
- (b) Class I : liquids subdivided as follows:
 - (i) Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point of 35°C; and
 - (ii) Class IB: liquids which have a closed-cap flash point below 23°C and boiling point of 38°C or above;
 - (iii) Class 1C: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- (c) Class II: liquids have a closed-cap flash point of 38°C or above but below 60°.5C;
- (d) Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above below 93°C; and
- (e) Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

"combustible liquid" means a liquid which has a closed-cap flash point of 38°C or above;

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

"Council" means the Council of the Municipality referred to in Section 18(1) of the Local Government: Municipal Structures Act, 1998(Act No 117 of 1998) and includes any duly authorised political structure, political office bearer, councillor and official thereof;

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

"dwelling house" means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site; .

"dump" means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

"emergency" means any incident or eventuality which seriously endangers or may endanger any person or property,

"emergency route" means that part of any escape route which -

- (a) protects the occupiers of any building from fire; and
- (b) leads to an escape door;

"enclosed place" in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

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

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

"explosive" means

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

"Explosive Act" means the Explosive Act, 2003 (Act No. 15 of 2003), and any regulations made under that Act;

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

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

"Fire Brigade Services Act" means the Fire Brigade Service Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act

"fire damper" means an automatic damper, including its assembly, which complies with the requirements of SABS 193;

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

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

"fireworks" means any pyrotechnic substance contemplated in paragraph (b) of the definition of 'explosives' as defined in Section 1 of the Explosives Act, which is-

- (a) manufactured for the purposes of amusement or entertainment, and
- (b) divided into such classes as may be prescribed

"fireworks display" means the use of fireworks for purposes of a public display; **"flammable gas"** means a gas which at 20°C and a standard pressure of 101,3 kilopascal

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

- "flammable liquid"** means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;
- "flammable substance"** means any flammable liquid, combustible liquid or flammable gas;
- "Group I, II, III, V, VI, VII and IX hazardous substances"** means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;
- "hazardous substance"** means any hazardous substance contemplated in Hazardous Substance Act;
- "Hazardous Substances Act"** means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;
- "liquefied petroleum gas"** means a mixture of light hydrocarbons (predominantly propane, propane, butane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;
- "member"** means a member of the Service and includes the Chief Fire Officer; **"Minister"** means the Minister of Police
- "Municipality"** means the Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- "National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;
- "National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;
- "Occupational Health and Safety Act"** means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- "occupier"** means any person who occupies or has control over any premises;
- "owner"** in relation to premises, means the registered owner of the premises and includes -
- any person who receives rental or profit from the premises, whether on own account or as agent;
 - a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
 - an executor or curator of any deceased or insolvent estate;
- "premises"** means any land, building, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;
- "prescribed fee"** means a fee determined by the Council by resolution in terms of section 4 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or any other applicable legislation;
- "public gathering"** includes any gathering by members of the public-
- to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screening; or
 - to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity,
- "public place"** means any path, street, walk-way, side-walk, park, place of rest or other place to which the public has authorized or unimpeded access;
- "pyrotechnist"** means any appropriately qualified person responsible for fireworks at fireworks display; "registered premises" means any premises in respect of which a certificate of registration has been issued;
- "SABS"** means the South African Bureau of Standards contemplated in section 2 of the Standards Act, 1993 (Act No 29 of 1993), and SABS followed by any number means a reference to a SABS code of practice, specification or standard of the corresponding number,
- "Service"** means the Fire Brigade Service established and maintained by the Council as contemplated in section 95;
- "service installation"** means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;
- "spray"** means to spray, coat, plate or epoxy-coat with any hazardous substance and "spraying" has a corresponding meaning;
- "spraying permit"** means a permit contemplated in section 79; "spraying room" means a room contemplated in section 83;
- "storage vessel"** means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act, 1993(Act No 85 of 1993)
- "underground tank"** means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;
- "use"** in relation to fireworks means discharging, lighting or igniting; "vegetation" includes grass, weeds, leaves, shrubs and trees; and
- "vehicle"** includes a trailer or semi-trailer which -
- has at least 4 wheels with independent axles and suspension system; and
 - can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act;
- "water installation"** means a water installation as defined in the Council's Water Services By-laws.

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms section 81 (2) of the Local Government: Municipal System Act, 2000(Act No 32 of 2000) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

Chapter 2 FIRE PREVENTION AND FIRE PROTECTION

Part 1: Fire Prevention

Certain fires prohibited

2. (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (2) No person may burn or allow any other person to burn any refuse or combustible material -
- (a) without the prior written permission of the Chief Fire Officer; or
- (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (4) The prohibition in subsection (2) does not apply to any fire made -
- (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
- (b) for the purpose of preparing food on private premises set aside for that purpose; or
- (c) in any device for preparing food which -
- (i) is heated by electricity or liquefied petroleum gas; and
- (ii) is so positioned that the fire does not endanger any person, animal or property.

Storage and accumulation of combustible material prohibited

3. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or dust in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by-
- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
- (b) pruning, chopping down or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.

Electrical fittings, equipment and appliances

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

Flame-emitting devices

5. No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.

Safety fire-breaks required

6. (1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
- (a) is at least 5 metres wide (when measured parallel from the boundary concerned); and
- (b) contains no vegetation or combustible residue.
- (2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 metre-wide safety fire-break around that obstruction.
- (3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer

- (4) Any person who intends to clear or maintain a safety fire-break by burning must -
- (a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and
 - (b) unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.

Part 2: Fire Protection

Design and construction of buildings

7. (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that -
- (a) provides for-
 - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
 - (ii) the discharge of that water directly into a storm water drain;
 - (b) prevents any water that may result from fire-extinguishing activities from draining -
 - (i) down any stairway or lift shaft;
 - (ii) down any electrical shaft or telecommunications service shaft;
 - (iii) down any shaft that is connected to a basement level; or
 - (iv) along any approach to a building or any vehicle access ramp leading to or from a building.
 - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water must be discharged directly into a storm water drain; and
 - (d) complies with the requirements of SABS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that -
- (a) the transformer room is situated on the ground level;
 - (b) access to the transformer room is from outside the building; and
 - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsection (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.

Design and construction of dumping sites

8. (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-
- (a) the National department responsible for Water affairs; and
 - (b) the Council.

Design and construction of other structures and sites

9. (1) Every person who design, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -
- (a) any grain silo;
 - (b) any atrium;
 - (c) any air traffic control tower,
 - (d) any tower for telecommunications or other uses;
 - (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
 - (f) any tent or other temporary structure for holding a public gathering; and
 - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metre measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it -
- (a) complies with a national design as contemplated by the National Building Regulations and Building Standards Act;
 - (b) provides for effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
 - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator web;
 - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
 - (e) is equipped with effective earthing devices for the discharge of static electricity.

Requirements for sprinkler systems

10. (1) If a sprinkler system is required in any building in accordance with SABS 0400, SABS 087 (Part III) or SABS 089 (Part I) or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or install a sprinkler system must ensure that it is designed, constructed and installed-
- (i) in accordance with SABS 0287; and

- (ii) in compliance with the requirements of SABS 0400 (Part A, K, M, O, T, V and W) insofar as it relates to fire protection.

Requirements for extractor fan systems

11. (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that -
- (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
 - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed must ensure that every filter, damper, screen or conduit forming an integral part of the system is residues or any other combustible residues do not accumulate.

Requirements for emergency exits

12. (1) Every owner of a building must ensure that any escape door in that building-
- (a) is fitted with hinges that open in the direction of escape; and
 - (b) is equipped with a secure locking device or devices that do not require a key in order to exit
- (2) Every owner of a building must ensure that any door in a feeder route -
- (a) is a double swing-type door;
 - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

Design, identification and access for fire-fighting and rescue purposes

13. (1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that -
- (a) at least one elevation of the building fronts onto a street;
 - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
 - (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency -
 - (i) of dimensions at least 10 metres wide;
 - (ii) that runs the full length of the side elevation of the building that borders the surface; and
 - (iii) with a carrying capacity of at least 70 metric tons; and
 - (d) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purpose of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises -
- (a) is displayed clearly on the street boundary of the premises in number at least 75 millimetres high; and
 - (b) is visible from the street; and
 - (c) is maintained in a legible condition at all times.

Barricading of vacant buildings

14. Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Office-
- (a) remove all combustible waste and refuse from the building; and
 - (b) lock, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorized person.

Part 3: Fire Fighting Equipment and Emergency Evacuation Plans

Installation and maintenance of fire-fighting equipment

15. (1) Every owner of a building must ensure that -
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
 - (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SABS 0105 and SABS 1475;
 - (c) all fire-fighting equipment and service installations on the premises are -

- (i) maintained in a good working condition by a competent person; inspected and serviced in accordance with manufacturer specifications; and
 - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
 - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months.
- (2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must -
- (a) on completing the inspection, service or repairs, as the case may be-
 - (i) certify in writing that the equipment or installation concerned is fully functional; and
 - (ii) furnish that certificate to the owner of the premises; or
 - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

Chief Fire Officer may designate premises for emergency evacuation plans

16. (1) The Chief Fire Officer may, by written notice, designate any premises as premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or occupier.

Duties of owner or occupier of designated premises

17. (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 17 must-
- (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Annexure 1 and submit it to the Chief Fire Officer in triplicate within 30 days of service of the designation notice;
 - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or occupier to organize a fire protection programme and regular and scheduled fire evacuation drills;
 - (c) ensure that the emergency evacuation plan is reviewed -
 - (i) at least every 12 months;
 - (ii) whenever the floor layout of the premises is changed; and
 - (iii) whenever the Chief Fire Officer requires revision of the plan;
 - (d) ensure that up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept maintained and all times available in a control room on the premises for inspection by any member of the Service; and
 - (e) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The Chief Fire Officer may in respect of premises designated in terms of section 17 -
- (a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;
 - (b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believe is necessary to ensure the safety of persons and property on the premises; and
 - (c) require the owner or occupier to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

Part 4: Certificates of fitness for certain buildings

Prohibition of public gatherings in certain circumstances

18. (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, or unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these " By-laws, unless after that date -
- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
 - (b) ownership or control of the building or structure changes.

Application for certificate of fitness

19. (1) Every owner of a building or temporary structure intended for the holding of a public gathering must -
- (a) complete and submit to the Chief Fire Officer an application form for a certificate of fitness in the form and manner determined by the Council; and
 - (b) pay the prescribed fee.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.

Requirements for certificate of fitness

20. The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure -
- (a) unless the Council is in possession of an up-to-date set of building plans for the premises;
 - (b) unless the building or temporary structure complies with the requirements of these By-laws; and
 - (c) for a period of validity exceeding 12 months.

Form and content of certificate of fitness

21. A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:
- (a) the trade name and street address of each occupier of the building or temporary structure.
 - (b) a description of the type of activity carried on by each occupier of the building or structure;
 - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
 - (d) the maximum permissible number of people who may be admitted to the usable floor area of the building or structure;
 - (e) the number of emergency exits and their dimension; and
 - (f) the dates of issue and expiry of the certificate and its serial number.

Duties of holder of certificate of fitness

22. The holder of a certificate of fitness must -
- (a) comply with the provisions of the certificate of fitness;
 - (b) at all times-
 - (i) display the certificate prominently on the premises; and
 - (ii) maintain the certificate in a legible condition;
 - (c) immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure; and
 - (d) submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner determined by the Council together with the prescribed fee.

Cancellation of certificate of fitness

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

Part 5: Water supply for fire-fighting purposes**Township development water supply requirements**

24. (1) Every person who develops or re-develops a township must design and develop that township with a sufficient water supply for purposes of fire-fighting by members of the Service.
- (2) Every person who develops or re-develops a township must ensure that -
- (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these By-laws;
 - (b) the water supply from these reservoirs is reticulated in a manner that ensure that the water supply to any area in the township can be provided from at least two directions; and
 - (a) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.

- (3) Subsection (2) (c) is deemed to be satisfied, if-
 - (a) the water is supplied to the township from more than one reservoir,
 - (b) each reservoir receives water from a separate supply main and pump; and
 - (c) the reservoirs are connected to each other.
- (4) Every person who develops or redevelops a township must ensure that -
 - (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - (b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 28, the water reticulation system is adapted without delay so as to comply with the requirements of section 26 and 27.

Township development fire-extinguishing stream requirements

25. Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to members of the Service in an emergency, of the following volume and duration:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

Township development fire hydrant requirements

26. (1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

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

Fire risk categories

27. (1) For purposes of section 26 and 27, the following areas of township must be regarded –
- (a) as high risk -
 - (i) any factory area, high density shopping area, warehouse or commercial building;
 - (ii) any plantation, timber yard or wooden building;
 - (iii) any building higher than 3 storey;
 - (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
 - (v) any other area that has a high fire risk or high fire spread risk;

- (b) as moderate risk-
 - (i) any area in which -
 - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storey; and
 - (aa) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly hazardous ;
 - (ii) any area where the fire risk and spread risk of fire is moderate;
 - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant

Connections to water reticulation system

- 28. (1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must -
 - (a) if the premises to be connected are protected by a sprinkler installation, ensure that -
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Ad, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer,
 - (b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
 - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SABS 0400 (Part W); and
 - (d) ensure that the water installation upon completion complies with the provisions of SABS -1:1994.

**Chapter 3
CONTROL OF FIRE WORKS**

Use of fireworks prohibited in certain circumstances

- 29. (1) Unless so authorized in terms of section 33, no person may use fireworks -
 - (a) within 500 metres of any explosive factory, explosives storage place, petrol depot or petrol station;
 - (b) inside any building;
 - (c) on any agricultural holding;
 - (d) at any public place; or
 - (e) at any school, old age home or hospital.
- (2) No person may light or ignite fireworks in any place where animals are present
- (3) Unless so authorized in terms of section 32, no person may light or ignite fireworks on any day or at any time except -
 - (a) New Years Eve from 23h00 to 01h00 on 31 December;
 - (b) New Years Day from 19h00 to 22h00 on 1 January;
 - (c) Hindu New Year from 19h00 to 22h00;
 - (d) Lag b'omer from 19h00 to 22h00;
 - (e) Chinese New Year from 19h00 to 22h00;
 - (f) Human Rights Day from 19h00 to 22h00 on 21 March;
 - (g) Freedom Day from 19h00 to 22h00 on 27 April;
 - (h) Guy Fawkes Day from 19h00 to 22h00 on 5 November;
 - (i) Divail from 19h00 to 22h00;
 - (j) Christmas Eve from 19h00 to 22h00 on 24 December; and
 - (k) Day of Goodwill from 19h00 to 22h00 on 26 December;
- (4) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Fireworks display prohibited unless authorized

- 30. No person may present a fireworks display unless -
 - (a) authorized to do so by the Council as contemplated in section 33;
 - (b) authorized to do so by the Civil Aviation Authority and the Chief Inspector of Explosives; '
 - (c) the display is at all times under that person's supervision and control;
 - (d) the Service and a suitably qualified explosive expert from the South African Police are at all times in attendance at the display;
 - (e) that person has ensured that -
 - (i) an area with a radius of at least 50 metres is clearly demarcated for the fireworks at the display; and
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
 - (f) a pyrotechnics is at all times present and responsible for the use of fireworks at the display.

Application to present fireworks display

31. (1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorization by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
- (a) proof of permission for the fireworks display from the Civil Aviation Authority;
 - (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
 - (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the firework.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

Authority to present fireworks display

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

Dealing in fireworks

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

Chapter 4**CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****Use, handling and storage of flammable substances prohibited in certain circumstances**

34. (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Annexure 2.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -
- (a) is used, handled or stored in a manner that ensures that -
 - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
 - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
 - (b) is used, handled or stored-
 - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
 - (ii) in a suitable place outdoors that ensure the safe disposal of fumes or gas;
 - (c) the flammable substances is stored in strong, gas-tight and labelled containers.

Application for certificate of registration for flammable substances

35. An application for a certificate of registration contemplated in section 35 (1) must be completed and submitted in the form and manner determined by the Council, together with the prescribed fee.

Issue of certificate of registration

36. (1) If the Chief Fire Officer issues a certificate of registration to any person, that Officer must endorse on the certificate -

- (a) the class and quantity of the flammable substance for which the premises have been registered;
 - (b) the number of storage tanks or storage facilities on the premises and their capacities;
 - (c) the number of flammable substance storerooms on the premises and their capacities;
 - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
 - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
 - (f) the period of validity and expiry date of the certificate; and
 - (g) the physical address of the premises and the name and postal address of the occupant
- (2) A certificate of registration
- (a) is not transferable between premises;
 - (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
 - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.
- (3) A certificate of registration is valid only for -
- (a) the installation for which it was issued;
 - (b) the stage of the premises at the time of issue; and
 - (c) for the quantities of flammable substance stated on the certificate.

Availability of certificate of registration at premises

37. The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times, for inspection by any member of the Service.

Fire-fighting equipment

38. (1) Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with -
- (a) subject to the provisions of subsection (6), portable fire extinguishers -
 - (i) as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type);
 - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
 - (b) if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply -
 - (i) as contemplated in SABS 0400 (Part W); and
 - (ii) that enables each hose reel to maintain a minimum flow of 0.5 litres per second at a minimum work pressure of 300 kPa;
 - (c) if applicable, fire hydrants -
 - (i) with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment - couplings); and
 - (ii) in a ratio of at 1 to every 1000 square metres or part thereof; and
 - (d) if applicable, in relation to any above-ground facility, a sprinkler system or dilute system that -
 - (i) is approved by the Chief Fire Officer; and
 - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may -
- (a) specify the type of fire extinguishers to be installed;
 - (b) require that a greater number of fire extinguishers be installed; and
 - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorization contemplated in these by-laws must ensure that all fire-fighting equipment contemplated in subsection (1) -
- (a) is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer -
 - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - (ii) at least every 12 months;
 - (b) if installed outside the premises, is adequately protected from the weather; and
 - (a) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign -
 - (i) in accordance with the specifications of SABS 1186; and
 - (ii) to the satisfaction of the Chief Fire Officer.

Amendment to certificate of registration

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

Cancellation of certificate of registration

40. The provisions of section 24, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

Renewal of certificate of registration

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

No authorization required for certain motor vehicle fuel tanks

42. No certificate of registration contemplated in section 35 or any other authorization contemplated in these by-laws is required in respect of flammable liquids in a fuel tank -

- (a) of any motor vehicle; and
- (b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

Record of certificates of registration

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

Chapter 5**GENERAL PROVISIONS REGARDING THE USE, HANDING AND STORAGE OF FLAMMABLE SUBSTANCES****General prohibitions regarding use, handling and storage of flammable substances**

44. (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may-
- (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
 - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- (2) No person may -
- (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
 - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorized to do in terms of these by-laws;
 - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where flammable substance is stored;
 - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
 - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus-
 - (i) fill or allow the filling of its fuel tank; or
 - (ii) transport or allow the transport of any flammable substance on the bus, except in a fuel tank; and
 - (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

Use, handling and storage of liquefied petroleum gas

45. (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless -
- (a) the person is in possession of a certificate of registration contemplated in section 35; and
 - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SABS 087, Parts 1,3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SABS 087, Parts 1,3,7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SABS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.

- (6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

Display of symbolic warning signs required

- 46. (1) The owner of any premises where any flammable or explosive substance is used, handled or stored must in the affected area of the premises, display symbolic signs -
 - (a) prohibiting smoking and open flames;
 - (b) of a size and number determined by the Chief Fire Officer; and
 - (c) prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

Duties to report fires, accidents and dumping

- 47. If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report this to the Chief Fire Officer.

Chapter 6

STORAGE OF FLAMMABLE SUBSTANCES

Storage of flammable substances prohibited in certain circumstances

- 48. No person may store or allow the storage of any flammable substance in any storeroom unless -
 - (a) that person has a certificate of registration contemplated in section 35; and
 - (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

Symbolic safety signs must be displayed

- 49. The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that -
 - (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom -
 - (i) of a number determined by the Chief Fire Officer,
 - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
 - (iii) manufactured in accordance with SABS 1186;
 - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.

Construction of flammable substance storeroom

- 50. Every storeroom must be designed and constructed according to the following criteria:
 - (a) the storeroom floor must consist of concrete;
 - (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - (c) the storeroom roof must consist of -
 - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
 - (ii) any other non-combustible material, if the storeroom -
 - (aa) is not situated within 5 metres of any adjacent building or boundary of the premises; or
 - (bb) adjoins a higher wall with no opening within 10 metres above and 5 metres on either side of the storeroom.

Requirements for storeroom doors

- 51. (1) Every storeroom must be equipped with a fire rated fire door that -
 - (a) is manufactured and installed in accordance with SABS 1253;
 - (b) opens to the outside;
 - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
 - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on -
 - (a) external walls, be "B" class fire doors; and
 - (b) internal walls in communication within a building, be "D" class fire doors.

Requirements for storeroom windows

52. (1) Every storeroom window frame must -
- (a) consist of steel;
 - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
 - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.

Requirements for storeroom catch pits

53. (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the doorsill to form a catch pit-
- (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
 - (b) if required by the Chief Fire Officer -
 - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
 - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery
- (2) The floor grill contemplated in subsection (1) must contain a suitably positioned access hatch for cleaning purposes.

Ventilation of storerooms

54. (1) Every storeroom must be designed and constructed to ensure -
- (a) the effective ventilation of flammable substance fumes;
 - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks -
- (a) that are not less than 140 millimetres by 250 millimetres in extent with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
 - (b) that are provided in at least 3 external walls of the storeroom; and
 - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system -
- (a) designed and installed for this purpose;
 - (a) with a flow rate of 0.5 metres / second across the store;
 - (b) with vanes that consists of a static-free material;
 - (c) that discharged through a vertical metal duct into the open air -
 - (i) not situated within 5 metre opening of a building or erf boundary; and;
 - (ii) termination at least 1 metre above roof height or at least 3.6 metres above ground level, whichever is the greater,
 - (d) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
 - (e) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
 - (f) equipped with ducting material that -
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment in storerooms

55. (1) The owner or person in charge of any storeroom must ensure that -
- (a) all as short as possible apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SABS 0108;
 - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SABS 0108, is situated -
 - (i) inside the storeroom; or

- (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
 - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
 - (d) any mechanical ventilation system switch is situated outside the storeroom;
 - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the Chief Fire Officer for record purposes immediately after installation contemplated in that subsection.

Foam inlets required for certain storeroom

56. The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure-
- (a) that the storeroom is provided with a foam inlet consisting of a 65 millimetres male instantaneous coupling and mild steel pipe work leading to the inside thereof, and
 - (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inter.

Shelving in storerooms

57. The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

Unauthorized use and entry of storerooms prohibited

58. No person may -
- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
 - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
 - (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
 - (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

Mixing and decanting rooms

59. The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Annexure 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

Temporary above ground storage of flammable substances

60. (1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the Chief Fire Officer -
- (a) for a period not exceeding 12 months;
 - (b) if the flammable substance concerned is required -
 - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
 - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
 - (iii) the application complies with the requirements of SABS 0131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that -
- (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
 - (b) adequate provision is made for rainwater run-off retaining walls or embankments;
 - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
 - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
 - (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.

Hand tools must be intrinsically safe

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

Permanently above ground storage tanks for flammable liquid

62. (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure -
- (a) that the tank is erected or installed -
 - (i) in accordance with SABS 0131 and SABS 089, Part I; or
 - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substances or combustible material;
 - (2) Any electrical installation associated with the storage tank must comply with SABS 0108 and SABS 089, Part 2.

Underground storage tanks for flammable liquids

63. The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SABS 0400, SABS 089, Part 3 and SABS 0130.

Installation, erecting, removing and demolishing prohibited without prior notice

64. (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection ' arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of subsection (1) do not apply to -
- (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
 - (b) the necessary replacement of equipment or their parts; and
 - (c) the replacement of any storage tank with a tank of the same capacity.

Repair and maintenance of access to storage tanks

65. No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance -
- (a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SABS 089 (Part I); or
 - (b) unless that person -
 - (i) is wearing an affective self-supporting breathing apparatus; and
 - (ii) is attached to a rescue rope under the control of a competent and responsible person.

Termination of storage and use of flammable substances

66. (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -
- (a) notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;
 - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
 - (c) unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
 - (d) to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.

Container handling and storage

67. (1) Every flammable substance container must-
- (a) be kept closed when not in use;
 - (b) be declared gas - or vapour -free by a competent person before any modification or repairs are undertaken;

- (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that-
 - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
 - (c) the fence supports are of steel or reinforced concrete;
 - (d) the storage area has an outward opening gate that kept locked when not in use;
 - (e) when the floor area exceeds 10 metre square an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.

Chapter 7

TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS

Transport of dangerous goods prohibited without permits

68. The owner of any vehicle used for transporting dangerous goods, must -
- (a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and
 - (b) ensure that the transport permit is available in the vehicle for inspection at all times.

Application for transport permits

69. An application for a transport permit must be completed and submitted to the Chief Fire Officer in the form and manner determined by the Council together with the prescribed fee.

Requirements of transport permits

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

Cancellation of transport permit

71. The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

Exemption from transport permit

72. A transport permit contemplated in section 69 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

Design, construction, maintenance and repair of road tankers

73. Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -
- (a) comply with the provisions of SABS 0189, SABS 1398, SABS 0233, SABS 087, Part 6 SABS 089, Part 1, SABS 0230 and SABS 1518, as the case may be; and
 - (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SABS 0230 and any applicable law.

Design, construction, maintenance and repair of other vehicles

74. Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle -

- (a) is designed and constructed -
 - (i) to safety transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
- (b) is equipped with -
 - (i) a safety edge or safety railing -
 - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
 - (bb) capable of securing dangerous goods containers; (ii) strong and durable straps
 - (cc) capable of fastening dangerous goods containers securely to the body of the vehicle;
 - (dd) that are anchored firmly to the bodywork of the vehicle; and
 - (ee) that are fitted with a reversible cog winch mechanism that can be locked;
 - (ii) electrical wiring that complies with SABS 314;
 - (iii) at least 2 static-free wheel blocks;
 - (iv) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
 - (v) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General prohibitions regarding transport of dangerous goods

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

Supply of dangerous goods prohibited in certain circumstances

76. (1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Annexure 2 to any premises that are not registered as contemplated in section 35.
- (2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
- (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- (4) Every person who delivers dangerous goods must ensure that:-
- (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - (c) while delivery -
 - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
 - (ii) the delivery vehicle is not parked on or across a pavement or a road; (Hi) no delivery hose lies on or across a pavement, road or other premises;
 - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 6 and the provisions of SABS 0263;
 - (e) any device connected with, or used for, the delivery of the dangerous goods -
 - (i) is designed for its purpose; and
 - (ii) is maintained in a safe and good working condition; and (a) no dangerous goods are spilled during delivery.
- (5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
- (6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

Records of transport permits

77. The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

Chapter 8 SPRAY PAINTING

Spraying prohibited without spraying permit

78. (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -
- (a) that person is in possession of a spraying permit contemplated in section 80;
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

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

Cancellation of spraying permit

80. The provisions of section 24, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

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

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

Design and construction of spraying rooms

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

Water floors for spraying rooms

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

Electrical equipment in spraying rooms

84. (1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SABS 0108.
- (2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SABS 0108 must-

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

Location of spraying rooms

85. (1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned -
- (a) of a least 1 200 millimetres wide; and
 - (b) that must at all times be kept free of any obstruction, refuse or combustible material.
- (2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall-
- (a) of a height at least 300 millimetres higher than the roof of the spraying room; and
 - (b) with a fire resistance of at least 60 minutes.
- (3) No more than two sides of a spraying room contemplated in section 83 (1) (c), may border a fire partition wall.

Access to spraying rooms

86. In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that -
- (a) open to the outside of the spraying room;
 - (b) have dimension of at least 800 millimetres wide x 2000 millimetres high;
 - (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 metres; and
 - (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation of spraying rooms

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

Fire dampers, protectors and alarms in spraying rooms

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

Design and positioning of ventilation outlets for spraying rooms

89. Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -
- (a) 1 metre above any roof on the premises;
 - (b) 4 metres above the ground level; and
 - (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

Display of signs on spraying rooms

90. (1) A symbolic sign prohibition open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
- (2) A symbolic sign contemplated in subsection (1), must be -
- (a) manufactured and installed in accordance with SABS 1186; and
 - (b) of dimensions at least 290 millimetres by 290 millimetres.

Manifold installations in spraying rooms

91. Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must -
- (a) comply with SABS 087 (Part 1); and
 - (b) the requirements of these By-laws.

General prohibitions regarding spraying rooms

92. No person may -
- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 91;
 - (b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;
 - (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
 - (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
 - (e) place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying rooms

93. (1) Every spraying room must be equipped with -
- (a) at least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and
 - (b) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.
- (2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
- (3) Every spraying room must be protected by at least one fire hose reel as specified in SABS 543 that is connected to a water supply as contemplated in SABS 0400 (Part W); and that enables the hose reel to maintain a flow of at least 0.5 litres per second at work pressure of at least 300 kPa.

Chapter 9 FIRE BRIGADE SERVICES

Establishment and maintenance of Service

94. (1) The Council has established a Fire Brigade Service as contemplated in section 3 of the Fire Brigade Service Act (2) The Council must maintain the Service, which includes -
- (a) appointing a Chief Fire Officer and the necessary members of the Service;
 - (b) ensuring that they are properly trained; and
 - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

Objects of Service

95. The objects of the Service are -
- (a) to prevent the outbreak and spread of fire;
 - (b) to fight and extinguish any fire that endangers any person or property,
 - (c) to protect any person and property against any fire hazard or other danger contemplated in these By-laws; and
 - (d) to rescue any person and property from any fire or other danger contemplated in these By-laws.

Service to other persons

96. (1) The Service may, provide any service related to its objects to any other person against payment of the prescribed fee.

- (2) Any service contemplated in subsection (1), may be terminated without notice if the services, equipment or personnel involved in providing that service are required to deal with an emergency.

Instructions by members of Service

97. (1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction -
- (a) for the immediate evacuation of any premises;
 - (b) to close any premises until such time as any contravention of these By-laws has been rectified;
 - (c) to cease any activity;
 - (d) to remove any immediate threat to the safety of any person or property;
 - (e) to take specified steps to comply with these By-laws, either immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a timetable for the taking of these steps in order to ensure compliance with these By-laws.

Pretending to be member of Service prohibited

98. (1) No person may pretend to be a member.
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

Certificates to identity members of Service

99. (1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.
- (2) A member, while performing any function or exercising any power under these By-laws must -
- (a) keep the certificate provided in terms of subsection (1), on his or her person; and
 - (b) produce it for inspection on request by any person.

Cost of analysis samples

100. Any costs incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these By-laws, and a report on such analysis by an institution accredited by the Chief Fire Officer for that purpose may be recovered from the owner or occupier of that premises if the owner or occupier of the premises is not in compliance with these By-laws regarding the substance concerned.

Chapter 10 MISCELLANEOUS

Handling of animals during emergencies

101. (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorize a suitably qualified person to handle or put down any animal during an emergency.
- (3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The Council may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

Approval, authorization or permission under these by-laws

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

Cancellation of approval, authorization or permission

103. The provisions of section 24, read with the necessary changes, apply to any approval, authorization or permission contemplated in section 104.

By-laws bind State

104. These by-laws bind the State and any person in the service of the State.

Offences and penalties

105. Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws;
- (b) fails to comply with any notice issued or displayed in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorized representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these by-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of by-laws

106. Any by-laws relating to Fire and Emergency Services adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short title

107. These by-laws are called the Fire and Emergency Services By-Laws,

ANNEXURE 1 GUIDE FOR EMERGENCY EVACUATION PLANS

Content of emergency evacuation plans

1. Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below:

(1) Emergency telephone numbers

A list of all relevant emergency telephone numbers.

(2) General information

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

(3) Area study

An area study addressing the following:

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

(4) Socio-economic or other threats

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

(5) Details of available equipment

Particulars and details regarding the position of the following equipment

- (a) equipment in the control room;
- (b) fire fighter and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

(6) The emergency team

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

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

(7) Duties of emergency team members

The duties and responsibilities of members of the emergency team.

(8) Action plans and emergency procedures

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

(9) Building plans and maps

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

(10) Emergency plan register The plan must include -

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

Review of emergency evacuation plans

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

Emergency evacuation drills

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

Emergency evacuation awareness

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

Training of persons

- 5. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -
 - (a) first aid or fire fighting;
 - (b) emergency aid;
 - (c) emergency evacuation procedures; and
 - (d) emergency management techniques.

**ANNEXURE 2
EXEMPTION FROM CERTIFICATE OF REGISTRATION**

A certificate of registration is in terms of section 35 (2) not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below:

GASES Class 0	Liquefied petroleum gas	Flat-Total cylinder capacity may not exceed 9kg per flat
		Houses or commercial premises - Total maximum of 19kg inside and total maximum of 100kg on premises
		Industrial premises - Maximum of 19 kg per 600 m ³ of building space with a total maximum of 100kg

FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of Class II and Class III A together may not exceed the maximum quantity of 210 litres
Class III A	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	

**ANNEXURE 3
EXEMPTION FROM TRANSPORT PERMIT**

A transport permit is in terms of section 73 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points ≤18°C	Total quantity may not exceed 100 litres
	With flash points > 18°C but ≤ 23°C	Total quantity may not exceed 420 litres
	With flash points > 23°C but ≤ 61°C	Total quantity may not exceed 1 100 litres
	With flash points > 61°C but ≤ 100°C	Total quantity may not exceed 1 100 litres

IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250kg
V	OXIDIZING AGENTS AND ORGANIC PEROXIDES	
	Oxidizing agents	Total quantity may not exceed 200kg
	Group II organic peroxides in packets	Total quantity may not exceed 200kg
VI	TOXIC / INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5kg
	Group II toxic substances in packets	Total quantity may not exceed 50kg
	Group III toxic substances in packets	Total quantity may not exceed 500kg

VIII	CORROSIVE / CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50kg
	Group II acids in packets	Total quantity may not exceed 200kg
	Group III acids in packets	Total quantity may not exceed 1000kg
	Group I alkaline substance in packets	Total quantity may not exceed 50kg
	Group II alkaline substance in packets	Total quantity may not exceed 200kg
	Group III alkaline substance in packets	Total quantity may not exceed 1000kg
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210kg
	Solids	Total quantity may not exceed 210kg

Annexure 4
SABS CODES OF PRACTICE AND SPECIFICATIONS

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

SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving gas storage vessels of individual water capacity exceeding 50007.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.

SABS Code	Title
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods: Inspection requirements of road vehicles.

SABS 0232: Part 1	Transportation of dangerous goods - Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0263	The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods - Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers - Foam type extinguishers.

NOTICES

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

BANKING DETAILS FOR DEPARTMENT OF THE PREMIER

NEW BANK:
ACCOUNT NAME:
ACCOUNT NUMBER:
BRANCH NAME:
BRANCH CODE:
REFERENCE NO.:
ACCOUNT HOLDER:
FAX NO.

STANDARD BANK
FSPG: DEPARTMENT OF THE PREMIER
240 322 029
BRANDWAG BRANCH
05 5534 00
AS DISCUSSED UNDERNEATH
FSPG: DEPT PREMIER
(051) 405 4396

-
- NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.
 - YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.
 - WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.

ENQUIRIES CONTACT:**TEL NO.**

MS C TSHABALALA
MRS M.E. MATILE

(051) 403 3139
(051) 403 3590

NOTICE

PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.

THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.
