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PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu  
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*  
*(Yi rhijistariwile tanihi Nyuziphepha)*  
*(E ngwadisitšwe bjalo ka Kuranta)*  
*(Yo redzhistariwa sa Nyusiphepha)*

**POLOKWANE,**

9 JULY 2010  
9 JULIE 2010  
9 MAWUWANI 2010  
9 JULAE 2010  
9 FULWANA 2010

**Vol. 17**  
**Extraordinary**

**Ku katsa na Tigazete to  
Hlawuleka hinkwato**

**No. 1808**  
**Buitengewoon**  
**Hu tshi katelwa na  
Gazethe dza Nyingo**

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 150

#### CEMETERIES AND CREMATORIA BY-LAW

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The Municipal Manager of Fetakgomo Municipality, in terms of section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Cemeteries and Crematoria By-laws for the Fetakgomo Local Municipality, approved by the Council, as set out hereunder.

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**CEMETERIES AND CREMATORIA BY-LAW**

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**1. Purpose of this By-Law**

- To provide for cemeteries for the burial of dead bodies;
- To provide for procedures, methods and practices to regulate the burial and exhumation of dead bodies, the provision of grave plots and the maintenance thereof.

**2. Definitions**

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa:

**“Berm”** means a concrete strip laid by the Municipality on a grave plot, on which a memorial stone, if any, is to be erected;

**“Body”** shall mean any dead human body, including the body of any stillborn child;

**“Burial”** means burial in the earth or some other form of internment and shall include any other mode of disposal of a body;

**“Burial Order”** means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

**“Cemetery”** means any burial place which, as contemplated in section 3, has been duly set apart by the Municipality for the burial or disposal of bodies within the municipal area;

**“Holder Of Reservation Certificate”** means a person to whom a certificate has been issued in terms of section 11 or transferred to in terms of section 12;

**“Municipal Area”** means the area described in Clause 2(1) of the Establishment Notice published under Provincial Notice 487 dated 22 September 2000;

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**CEMETERIES AND CREMATORIA BY-LAW**

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"Municipality" means Fetakgomo Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof 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;

"Name" includes any identifying description of a deceased human being who possessed no name or whose name is unknown.

**3. Application**

This by-law shall be applicable in the municipal area of Fetakgomo.

**4. Establishment**

The Municipality may set apart any area as a cemetery for the burial of the dead of any religious denomination or other body or community; provided that such setting apart shall not entitle any person to be buried in any particular place in a cemetery.

**5. Control**

Cemeteries shall be under the control of the Municipality.

**6. Authority for burial**

(1) No person shall bury any body in the earth or cause such body to be so buried within the municipal area except in the case of traditional leaders.

(2) (a) No body shall be buried in the earth in a cemetery or an area identified by a traditional leader within the municipal area without permission of the municipality.

(b) Such permission shall not be given without a burial order authorising such burial, and payment of the fees determined by the municipality. If the grave plot has been reserved in terms of section 10, the certificate concerned shall be produced in lieu of payment of the

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relevant fees.

- (3) The municipality may at its discretion, in such manner as it may deem fit; allow the burial of any body without charge in that portion of a cemetery set apart for such purpose.

**7. Hours of burial**

Except with the permission of the municipality, who shall record the circumstances under which such permission is granted, no person shall bury a body in a cemetery during the hours between sunset and sunrise.

**8. Register of burials**

- (1) The municipality shall keep a register of burials and of graves.
- (2) Such register shall be completed as far as possible immediately after a burial has taken place.

**9. Demarcation of grave plots**

The municipality shall demarcate grave plots in accordance with an approved layout plan.

**10. General provisions relating to cemeteries and burials**

- (1) No person under the age of 12 years shall enter any cemetery unless he is in the care of an adult or he does so with the approval of the municipality.
  - (2) No person shall enter or leave any cemetery except by the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery except on business.
  - (3) No person shall carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement, within any cemetery, except on sites specifically determined and set apart for such purposes.
  - (4) No person shall sit, stand or climb upon any grave, tombstone, work, gate, wall, fence or building in any cemetery.
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**CEMETERIES AND CREMATORIA BY-LAW**

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- (5) No person shall bring or cause to be brought any animal into any cemetery without the permission of the municipality.
- (6) No person shall obstruct, resist or oppose the municipality or any employee of the municipality in the course of his duty, or refuse to comply with any order or request which the municipality may give or make under this by-law.
- (7) No person shall destroy or do or cause to be done any damage to, or shall mark or draw or erect any advertisement, bill or placard upon, or in any other way deface any grave, tombstone, monument, wall, building, fence, railing or other structure or any road in any cemetery.
- (8) Except where it is expressly permitted by this by-law or the consent of the municipality has been obtained, no person shall disturb the soil, or plant or uproot any plant, shrub or flowering plant, or in any way interfere with any grave or structure in any cemetery.
- (9) No person shall play any game or take part in any sport or fire any firearm or discharge any airgun or catapult, or disturb or interfere with any person in any cemetery.

**11. Reservation of grave plots**

- (1) (a) Except in the case of grave plots reserved in terms of subsection (2), every grave plot in respect of which a burial has been authorised in terms of this by-law shall be reserved in the name of the next of kin, and, in the event of there being no known next of kin, in the name of the person applying for the grave.
- (b) Where a burial has been authorised upon application received from a body or an association or institution or the government, the plot allotted for such burial shall be reserved in the name of such body, association or institution or the Government, as the case may be.
- (2) A grave plot for a person of the age of nine years or over as specified in section 15(1) may in the discretion of the municipality be reserved in advance upon application submitted to the

**CEMETERIES AND CREMATORIA BY-LAW**

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municipality and upon payment of the respective grave plot charges as determined by the municipality, provided that no reservation effected in terms of this subsection shall confer the right for the body of a person who at the time of his death was liable for the payment of the additional charges, as determined by the municipality, to be buried in the grave plot in respect of which such reservation was effected, unless such additional charges shall have been paid.

- (3) A certificate of reservation in the form prescribed in the Schedule 1 to this by-law shall be issued in respect of every grave plot reserved in terms of this by-law.

**12. Provisions relating to the transfer of certificates of reservation**

- (1) A certificate of reservation in respect of any grave plot may be transferred, assigned or alienated with the written consent of the municipality in the form prescribed in the Schedule 2 to this by-law.
- (2) All particulars in regard to every reservation and transfer in terms of section 11 and subsection (1) of this section shall be entered and shown in the register of burial and graves.
- (3) At the request of any religious denomination, the municipality may in such manner as the municipality may deem fit, set apart within a cemetery such area of land as the municipality may deem necessary for the burial of the bodies of persons belonging to such denomination and for the use of persons belonging to such denomination for such other purpose as may in the discretion of the municipality be incidental to the purpose of the cemetery; provided that the municipality may at its discretion utilise the land so set apart for other purposes.
- (4) No persons shall acquire any title to or ownership of any grave plot reserved in terms of section 11 or any land set apart in terms of subsection (3), and no person shall acquire any right to or interest in any such grave plot or land in any cemetery other than such rights or interest as may be permitted under this by-law.

**13. Burial orders: Numbering of graves**

- (1) A notice of every burial in the form prescribed in the Third Schedule of this by-law shall,



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**CEMETERIES AND CREMATORIA BY-LAW**

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together with the burial order concerned, be delivered at the office of the municipality not less than eight working hours before any burial is to take place; provided that where a grave is to be re-opened for a second burial or where a new grave is to be dug, the said notice shall be delivered not less than 24 hours before such burial is to take place unless, in the opinion of the municipality, the burial of the body is a matter of urgency, in which case the time limit specified in this subsection shall not apply.

- (2) Every such notice shall be accompanied by the fees determined by the municipality and, in the case of the prior reservation of a grave plot, also by the certificate of reservation or transfer concerned, as the case may be.
- (3) The municipality shall, as soon as possible, issue the necessary authority for such burial.

**14. Removal of monuments or structures**

- (1) If it is necessary to remove a monument or other structure for the purpose of a burial, it shall be removed by the holder of the certificate of reservation in respect of such plot or by his duly authorised representatives not less than eight working hours before the burial is to take place.

**15. Grave to be identified**

- (1) In every case where a burial has been authorised in terms of section 12, the municipality shall number the plot allotted for such burial and no person shall bury any body in any grave other than that allotted by the municipality for such purpose.

**16. Dimensions of graves**

- (1) The excavation for a single grave for a deceased person of the age of nine years or over shall be at least 1800mm deep, 2 200 mm long and 750mm wide.
- (2) The excavation for a single grave for a deceased person under the age of nine years shall be at least 1 300mm deep, 1 200mm long and 750mm wide.

**17. Provisions relating to grave plots**

- (1) The extent of a grave plot for a deceased person of the age of nine years or over shall be 2
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500mm by 1 500mm; provided that in the case of a grave plot which is supplied with a berm, the width shall be reduced by 300mm.

- (2) The extent of a grave plot for a deceased person under the age of nine years shall be 1 500mm by 1 000mm.
- (3) The width of a kerb on any grave plot shall be 150mm.
- (4) The extent of any double grave plot shall be double the extent of any single grave plot.
- (5) Where a grave of a greater depth, length or width than that specified is required, application in respect thereof, together with payment of an extra fee, as determined by the municipality, shall be made when notice of burial is given.
- (6) All graves shall be prepared by the municipality with the exception of bricklined or concretelined graves, in which case the brick work or concrete work shall be carried out by the undertaker under the supervision of the municipality and in conformity with the specifications applicable to ordinary graves.

**18. Burials in one grave**

- (1) In the case of a family, more than two bodies may be buried in one single grave at the discretion of the municipality; provided that not more than two coffins shall be used; provided further that the lid of the second coffin placed in the grave under no circumstances be less than 900mm from the surface, that, in the event of the reopening of the grave for the purpose of the burial of a further body, a layer of soil not less than 150mm thick shall be left undisturbed above the coffin previously placed in the grave and that, if on the reopening of any grave the soil is found to be offensive, the reopening shall not be proceeded with and the grave shall be refilled.

**19. Preparation of graves and coffins**

- (1) All graves shall be prepared by the municipality except those mentioned in section 17 (6).
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**CEMETERIES AND CREMATORIA BY-LAW**

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(2) Bodies shall be placed in coffins for burials.

(3) A coffin not constructed of perishable material shall not be placed or caused to be placed in a grave.

**20. Provisions relating to funerals**

(1) No person shall, without prior permission of the municipality, conduct any religious ceremony or service according to the rights of any denomination in any portion of any cemetery which in terms of section 11 (3) has been set apart by the municipality for the use of any other denomination.

(2) No person shall cause any hearse, while a cemetery, to leave the roads and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.

(3) Every person taking part in any funeral procession or ceremony shall comply with the directions of the municipality as to the route to be taken within the cemetery.

**21. Provisions relating to exhumations**

(1) No person shall, unless authorised thereto by written order by the appropriate authority, exhume or cause to be exhumed any body.

(2) Any person duly authorised to exhume a body in terms of subsection (1) shall hand the order in respect thereof to the municipality and shall give him not less than eight working hours' notice of the date and time proposed for the exhumation of such body and shall at the same time pay the fees determined by the municipality.

(3) No person shall exhume or remove any body unless the employee of the municipality who is responsible for cemeteries is present.

(4) The grave from which any body is to be removed shall, if the municipality so requires, be effectively screened from view during the exhumation.

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**22. Provisions relating to memorial stones or monuments**

- (1) No person shall bring or cause to be brought any material into any cemetery for the purpose of carrying out any work in connection with a memorial stone or brickwork or stonework upon any grave, and no person shall erect or place in position any tombstone, kerbing, or monument or any structure whatsoever on any grave, unless and until -
    - (a) the grave plot shall have been reserved in terms of section 11 (1) in the name of the person authorising such work;
    - (b) a drawing with dimensions and figures thereon showing the position of the proposed work together with a specification of the material to be used, and a copy of any proposed epitaph or ornamentation have been handed to the municipality not less than three working days before it is intended to bring such material into the cemetery;
    - (c) all fees, determined by the municipality, which are due in respect of such work shall have been paid;
    - (d) the municipality's written approval of the proposed work shall have been given to the holder of the certificate of reservation or his authorised representative.
  - (2) The municipality may refuse to approve any proposed work with regard to a memorial stone or monument, the plan and specification of which reveals that it will disfigure any cemetery, or which bears any epitaph which may cause offence to users of the cemetery or visitors to it.
  - (3) No person shall convey any stonework or brickwork or monuments or any portion thereof within any cemetery upon any vehicle or truck which is not fitted with wheels having pneumatic tyres and which is of a kind likely to cause damage to the roads and grounds of such cemetery.
  - (4) No person engaged in work in connection with any memorial stone or monument shall at any
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**CEMETERIES AND CREMATORIA BY-LAW**

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time disturb any adjacent grave plot or, on completion of the work, leave the grave plot before it is in a clean and tidy condition.

- (5) All work in connection with a monument which is carried out within any cemetery shall be completed in accordance with the drawing and specification approved in terms of subsection (1).
- (6) Any person carrying out any work in connection with any memorial stones or monuments shall comply with the following provisions:
  - (a) The various parts of any memorial stone or monument, other than masonry, shall be affixed by copper or galvanised iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
  - (b) any part of such work which rests upon any stone or other foundation shall be fairly squared and pointed;
  - (c) the underside of every flat memorial stone made of stone and the base or foundation of every monument or headstone shall be set at least 50mm below the natural level of the ground;
  - (d) every headstone shall be securely attached to the base;
  - (e) the base shall consist of one solid piece in the case of a single grave plot;
  - (f) all kerbing or monuments on single grave plots shall be erected on concrete foundation at least 610mm wide and 205mm deep over the full width;
  - (g) all kerbing on plots larger than single grave plots shall be fixed to a solid concrete surface at the four corners and wherever joints occur;
  - (h) the municipality may require any concrete foundation on any grave plot to be

**CEMETERIES AND CREMATORIA BY-LAW**

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reinforced where, owing to the mass of the monument or headstone, it is necessary in the interests of safety.

- (7) (a) No person shall erect any memorial stone within any cemetery unless the number and section letter of the plot upon which such work is to be placed are indelibly engraved thereon in such a position as to be legible at all times from a pathway.
- (b) With the consent of the registered certificate holder, the name only of the maker of such memorial stone may appear on the base.
- (8) No person shall, without municipality's permission, bring any memorial stone or material into a cemetery nor do any work in connection with any memorial stones or monuments within any cemetery from twelve noon on a Saturday until the opening hour on the following Monday.
- (9) Any person carrying out work within any cemetery shall in all matters comply with the directions of the municipality.

**23. Grave plots supplied with a berm**

- (1) Notwithstanding anything to the contrary contained in this by-law, a grave plot which is supplied with a berm shall be subject to the following conditions:
  - (a) No kerbing shall be erected on such a plot.
  - (b) The base of a memorial stone shall not be larger than 610mm by 260mm; provided that the base of a memorial stone which is erected over two adjoining grave plots may be 1220mm by 260mm.
  - (c) A memorial stone which is erected shall not protrude beyond the base and shall be at least 120mm from the front edge of the berm.

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**24. Maintenance of graves**

- (1)
    - (a) Any memorial stone or monument erected upon any grave shall at all times be maintained in good order and condition by the holder of the reservation certificate in respect of such grave.
    - (b) If any such memorial stone or monument is allowed to fall into a state of disrepair or to constitute a danger or to disfigure the cemetery, the municipality may, by written notice sent by registered post to the holder of the reservation certificate at his last-known postal address, require him to effect such repairs as may be necessary.
    - (c) Failure on the part of the holder of the reservation certificate to effect the required repairs within one month of the date of such notice shall be a breach of this by-law and the municipality may have the repairs effected or may have the memorial stone or monument removed, as it deems fit, and may recover the expense of such repairs or removal from the holder of the reservation certificate.
  - (2)
    - (a) Any memorial stone or monument dismantled for the purpose of a further burial shall be either re-erected or removed from the cemetery by the holder of the reservation certificate within two months of date of such dismantling.
    - (b) Failure to do so shall constitute a breach of this by-law.
    - (c) In the event of such failure, the municipality shall be entitled to remove any such dismantled memorial stone or monument from the cemetery without further notice to the holder of the reservation certificate and recover from him the cost of such removal.
  - (3) The municipality shall not be liable for any loss of or damage to any memorial stone, monument or any article placed upon any grave plot which may occur at any time from any cause whatsoever, nor for any compensation in respect of any memorial stone or monument repaired or removed in terms of subsections (1) and (2).
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**CEMETERIES AND CREMATORIA BY-LAW**

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- (4) (a) No person shall without the prior permission in writing of the municipality plant any tree, shrub, bush or any other plant on any grave plot, nor shall any such tree, shrub, bush or plant be planted upon any portion of such plot other than that indicated by the municipality.
- (b) No holder of a reservation certificate shall allow any shrub, bush or plant to overhang or extend beyond the boundaries of such grave plot.
- (5) The municipality shall have the right to remove, trim or prune any plant which extends beyond the boundaries of the grave plot upon which it is planted or which is untidy.

**25. Provisions relating to persons dying outside the municipal area**

- (1) The provisions of this by-law shall apply *mutatis mutandis* to any burial within the municipal area of the human remains of any person who has died outside such area.
- (2) Every application and every document relating to any burial shall be marked with a number which corresponds with the number in the register referred to in section 8 and shall be filed in order and kept by the Municipality for a period of not less than 10 years.

**26. Fees payable**

- (1) All fees payable in respect of burials shall be determined by the municipality from time to time.



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**CEMETERIES AND CREMATORIA BY-LAW**

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**27. Offences and penalties**

Any person contravening the provisions of this by-law shall be guilty of an offence and liable on conviction to-

- (1) a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

**CEMETERIES AND CREMATORIA BY-LAW****SCHEDULE 1****FETAKGOMO MUNICIPALITY****CEMETERIES**

Certificate of Reservation no.....

(Issued in terms of section 11)

This serves to certify that ..... of .....having paid the prescribed fees  
of R ....., is entitled to use the site(s) described below for the purposes of burial:

Grave plot no. .... Section .....

Measuring .....

Cemetery .....

Dated at .....this.....day of ..... 20.....

.....

Fetakgomo Municipality

**CEMETERIES AND CREMATORIA BY-LAW****SCHEDULE 2****FETAKGOMO MUNICIPALITY****CEMETERIES**

Transfer of Certificate of Reservation no.....

(Issued in terms of section 12)

This serves to certify that Certificate of reservation No.....in respect of grave plot no..... has been transferred from.....

Address.....

To.....

Address.....

Transferor

Confirmed on behalf of the Municipality on this ..... day of .....20.....

.....

Fetakgomo Municipality

**CEMETERIES AND CREMATORIA BY-LAW****SCHEDULE 3****FETAKGOMO MUNICIPALITY**

Application for burial no .....

To the Municipality of Cemeteries

.....20.....

Please supply grave in

.....

Denomination

.....

Size of coffin lid .....

Time at gate .....

For the late (state name and surname in full)

.....

Nationality.....

Sex.....

Age .....

**CEMETERIES AND CREMATORIA BY-LAW**

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(1) Address where death occurred

.....

(2) Residential address

.....

Date of death .....

Cause of death .....

Name of next of kin .....

Name of applicant .....

.....

Undertaker

**LOCAL AUTHORITY NOTICE 151****10. Traffic By-Laws**

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Traffic By-Law for the Fetakgomo Local Municipality, as approved by the Council, as set out hereunder.

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## **SCHEDULE 1**

### **CHAPTER 1**

#### **INTERPRETATION**

##### **Definitions**

1. (1) In this By-Law, any word or expression that has been defined has that meaning and, unless the context otherwise indicates -

**“Authorised Official”** means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of this By-Law;

**“Council”** means -

- (a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

**“Lift Club”** means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or other persons designated by such members, to or from

specified places for a specific purpose;

**“Medical Officer Of Health”** means a person appointed as such under section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977);

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

**“Public Road”** means a public road as defined in the National Road Traffic Act, 1996;

**“Queue Marshal”** means a person designated by a taxi association to regulate minibus taxi-type services; and

**“Rank”** means a facility set aside by the Council for use by public passenger road transport;

(2) If any provision in this By-Law vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## **CHAPTER 2**

### **Driver to take shortest route**

2. (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger.

(2) A metered taxi driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.



**Driver to keep engagement**

(1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.

(2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger arrange for transport to get to his or her destination.

**Operation of taximeter**

4. (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.

(2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.

(3) The owner of a metered taxi must ensure that the provisions of subsections (1) and (2) and the minimum or maximum fare, if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

**CHAPTER 3****BUSES****Stopping places**

5. No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

**Entering and alighting from a bus**

6. A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Council.

**Driver to stop at stopping places**

7. The driver of a vehicle engaged in a public passenger road transport service, which

at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

## **CHAPTER 4**

### **GENERAL**

#### **Parking of metered taxi, minibus, midibus or bus**

8. No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

#### **Parking at places of entertainment or funeral**

9. Notwithstanding the provision of section 8 of this By-Law, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

#### **Engagement of passengers**

10. (1) No driver of a metered taxi, minibus, midibus or bus, or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.

(2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.

(3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or sounding device to attract the custom of potential passengers or customers.

#### **Failing or refusing to pay or attempting to evade payment of the fare due**

11. No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

#### **Furnishing of name and address by person conveyed in or on metered taxi,**

**minibus, midibus or bus**

12. Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

**Conveyance of filthy or diseased persons**

13. (1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry -

(a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or

(b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.

(2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibus, midibus or bus.

(3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

**Disinfection of metered taxi, minibus, midibus or bus**

14. (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that -

(a) any person suffering from a contagious disease; or

(b) the body of any person who has died of such disease; or

(c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health.

(2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

**Driver's right to refuse to convey passengers**

15. (1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.

(2) No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

**Property left in metered taxi, minibus, midibus or bus**

16. (1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must -

(a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

(b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or

(c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Municipality Transport Department, and obtain a receipt from the person with whom the property is deposited, or the officer on duty Municipality, as the case may be.

(2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the South African Police Services (SAPS), and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

**Possession of dangerous or offensive articles**

17. (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger

to hand such article to the driver or conductor.

(2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or a municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.

(3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.

(4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

**Cleanliness**

18. The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

**Queue marshal**

19. (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.

(2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.

(3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

**Clean vehicle**

20. The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

**Offences and penalties**

21. Any person who -

- (a) contravenes or fails to comply with any provisions of this By-Law;
- (b) fails to comply with any notice issued in terms of this By-Law;
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under this By-Law, 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, requiring the discontinuance of such offence.

22. This by-laws are called Traffic By-Laws, 2008

**LOCAL AUTHORITY NOTICE 152****MOPANI DISTRICT MUNICIPALITY  
EMERGENCY SERVICES BY-LAWS**

**The Municipal Manager of the Mopani District Municipality acting in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 162 of the Constitution of the Republic Act 108 of 1996 hereby publishes the Emergency Service By-Law for the Mopani District Municipality, as approved by its Council, as set out hereunder**

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The Mopani District Municipality hereby publishes the Emergency Services by-laws set out below for its area of jurisdiction in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), together with section 15 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

### PART 1 DEFINITIONS

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

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

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

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

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

**“building”** includes-

- (a) any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with –
  - i. the accommodation or convenience of human beings and animals;
  - ii. the manufacture, processing, storage, display or sale of any goods;
  - iii. the provision of any service;
  - iv. the destruction or treatment of refuse or other waste materials; and
  - v. the cultivation of any plant or crop;
- (b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;
- (c) any fuel pump or any tank used in connection with it;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c);  
and

(e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm-water discharge, electricity supply or other similar service in respect of the building;

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

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

**"Certificate of compliance"** means a certificate contemplated in section 20 of these by-laws, which certificate has been issued by the Service in terms of fire related requirements to authorises a person to occupy designated premises (which are a public building) accordingly;

**"Certificate of registration"** means a certificate issued by the Service in terms of section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage, handling or use of dangerous goods, by having complied to all fire related requirements.

**"Chief Fire Officer"** means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, and "Manager: Fire Services" has a corresponding meaning.

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

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

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

**Council” means-**

the Mopani District Municipality established by Provincial Notice No. 307 of 2000, dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal council;

its successor in title;

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

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

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

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

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

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

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

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

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

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

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

**“explosive(s)”** means –

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

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

**“facility”** means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and include the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

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

**“fire area”** means that area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 090;

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

**“fire grading”** means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 0177, Parts 2 to 5, as amended;

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

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

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

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

- Category B:** Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread)
- Category C:** Residential areas of conventional construction.
- Category D:** Rural risks of limited buildings and remote from urban areas.
- Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

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

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

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

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

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

**“Municipality”** means a municipality described in section 2 of the Municipal Systems Act;

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

**“normative reference list”** means the list of SANS specifications or codes of practice, which are contained in Annexure 5 to these by-laws;

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

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

**“owner”** in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986, (Act 95 of 1986), for the purposes of section 18 of the Fire Brigade Services Act,

1987, the body corporate as contemplated in the Section A Title Act 1986 and in the case of a deceased or insolvent estate, the executor or the curator respectively;

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

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

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

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

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

**“rational design”** as defined in SANS 10400;

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

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

**“room”** means any room or other partitioning in a building;

**“SABS”** means the South African Bureau of Standards;

**“SANS”** means the South African National Standards;

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

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

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

**“spray permit”** means a permit issued by the Service in terms of section 48(1)(a) of these by-laws;

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

**“storeroom”** means a room, which is constructed, equipped and maintained as contemplated in section 46 of these by-laws;

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

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

**“temporary structure”** means any structure that is apparently temporary in nature.

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

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

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

## **PART 2**

### **ADMINISTRATIVE PROVISIONS**

#### **2. ORGANISATION OF THE SERVICE**

- (1) The controlling authority may, subject to section 3(3) of the Fire Brigade Services Act, 1987, as amended, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for-

- (a) preventing the outbreak or spread of a fire;

- (b) fighting or extinguishing fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other threatening danger;
- (e) subject to the provisions of the Health Act, 1977 (Act 63 of 1977), the provision of an ambulance service as an integral part of the Service; or
- (f) the performance of any other function connected with any of the matters referred to in subsection (1)(a) to (e).

**2. The Chief Fire Officer will head or be in charge of the Service**

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

- (b) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Services Act, 1987, employ its service within or outside its area of jurisdiction, or within or outside the Province of Limpopo, against payment of the tariffs determined in Annexure 1 to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

**3. DRIVING SERVICE VEHICLES**

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

**4. PROCEDURES AND DUTIES DURING AN EMERGENCY SITUATION**

- (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that-
  - (a) adequate manpower and the appropriate apparatus and equipments are made available and are used without delay;
  - (b) the emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2(3) of these by-laws, and



- (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) All persons and/or bodies, including any State department as contemplated in section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.

## **5. PRETENDING TO BE A MEMBER**

- (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.
- (2) No person may falsely present himself/herself as a member or pretend to be a member.
- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, or by furnishing proof of identity within a reasonable period.
- (4) Any person who contravenes or fails to comply with this section is guilty of an offence.

## **6. POWERS OF MEMBERS AND DESIGNATION OFFICERS**

- (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
- (2) A designated officer as contemplated in 6(4) may-
  - (a) seize any certificate of compliance, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document ;
  - (b) institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be; and
  - (c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of compliance, but

must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:

- (i) The Chief Fire Officer or the delegated member must grant prior approval in writing for the seizure.
  - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
  - (iii) After an order issued in terms of the Fire Brigade Service Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken;
- (3) Any member may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
- (4) (a) Designated officers must be-
- i. suitably trained and certified as peace officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
- (b) All designated officers have the power –
- i. in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
  - ii. in terms of provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
  - iii. in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
  - iv. in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
  - v. in terms of provisions of section 54 of the Criminal Procedure Act., 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

## **7. MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE**

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

### **PART 3**

#### **FIRE PROTECTION AND FIRE-FIGHTING**

##### **8. COMBUSTIBLE MATERIALS AND REFUSE**

- (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

##### **9. MAKING FIRES**

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

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

#### **10. FIREBREAKS**

- (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, shrubs, and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of-
- (d) an erf, site or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –
- i. cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
  - ii. cutting around any shrubs and/or trees, which may be standing in the area being cut;
  - iii. pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
  - iv. removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed to an approved refuse disposal site; and
- (e) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5m belt, a 5m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply *mutatis mutandis* to the application of this section.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **11. INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS**

- (1) Any officer contemplated in section 6(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods or other hazard on the premises.
- (2) An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire

risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.

- (3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval
- (b) The Chief Fire Officer may approve the proposed measure and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence necessary ; Enforcement of provision according Act 99 of 1987 section 18 of said act can be implemented.

## **12. ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT MITIGATING AGENTS.**

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

## **13. FIRE PROTECTION REQUIREMENTS FOR PREMISES**

- (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, for the purpose of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water spilled or collected to a storm water drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
- (a) the access to the transformer room(s) is situated on the building; and

- (b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 0400; SANS 10087, Part 3; and SANS 10089, Part 1, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with the any of the provisions of subsection (2), (3) and (4) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 0400, as amended, where the provisions relate to fire protection matters, is guilty of an offence and the necessary; Enforcements of provision according Act 99 of 1987 section 18 of said act can be implemented.

#### **14. ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES**

- (1) All premises in the area must be planned, designed and constructed so as to ensure that-
  - (a) The requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
  - (b) If a building does not front onto a street, an access road shall be provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
  - (c) Whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 3,5m wide and 4,2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5m.
- (2)
  - (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be 75mm high and must be visible from the street.
  - (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **15. UPKEEP MAINTENANCE OF FIRE-FIGHTING EQUIPMENT AND MITIGATING AGENTS**

- (1) The owner of any premises must ensure that –
- (a) all fire-fighting equipment, mitigating agents or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS 101475 and registered in terms of SANS 101475;
  - (b) portable mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 0105 and SANS 101475;
  - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
  - (d) installations are inspected by a registered person at least every twelve calendar months.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must-
- (a) on completing the work, certify that the service installation is fully functional and
  - (b) notify the Service immediately in writing if he/she finds that the service installation cannot, for what ever reason, be readily repaired to its functional state.
- (3) The owner or occupant responsible of any premises must keep a comprehensive service record of all fire fighting equipment and any other appropriate service installation on his/her premises and submit the record to the Service upon request by the designated officer.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **16. EXTRACTOR FAN SYSTEMS**

- (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.

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

### **17. RATIONAL DESIGNS**

- (1) The construction, design and/or erection of –
- (a) hangars;
  - (b) helipads;
  - (c) grain silos;
  - (d) atriums;
  - (e) air traffic control towers;
  - (f) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable design according T1 (2) (a) or (b), submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for-
- (a) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
  - (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
  - (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
  - (d) earthing devices for discharging static electricity.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **18. DISPOSAL SITES**

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



**19. EMERGENCY EVACUATION PLANS**

(1) The owner or occupier of designated premises must-

- a. within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, this plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
- b. constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, this programme include regular, scheduled fire evacuation drills on the premises;
- c. ensure that –
  - i. the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
  - ii. updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
  - iii. the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
- d. identify a predetermined place of safety outside, but in the vicinity of the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- e. An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.

19(2) The Service may from time to time-

- a. provide directives for updating and/or amending an emergency evacuation plan;
- b. instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that , in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and

- c. require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
- (3) The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **20. CERTIFICATE OF COMPLIANCE FOR ALL PUBLIC BUILDINGS**

- (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
- (2) No certificate of compliance will be issued for public buildings unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of compliance issued to the owner of a public building will be endorsed with the following information, where applicable:
  - a. The trade name and street address of each occupier
  - b. The type of activity of each occupier.
  - c. The name of the persons on the executive
  - d. The permissible number of people in proportion to the usable floor area
  - e. The number of emergency exits and their widths and all related equipment regarding fire protection.
  - f. A cancellation clause in the event of any applicable provision of these by-laws being disregarded.
  - g. An obligation on the part of the holder of the certificate to-
    - (i) display the certificate prominently on the premises at all times; and
    - (ii) maintain the certificate in a legible condition at all times
  - h. A date, year and serial number
  - i. The date of expiry of the certificate.
- (4) Subject to the provisions of section 22 of these by-laws, a certificate of compliance is not required for a public building, which has been legally erected on commencement of these by-laws.

- (5) If the trade name of a public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority-
  - a. is in possession of a set plans referred to in section 13 of these by-laws and approved by the Service; and
  - b. has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of compliance must ensure that he/she is at all times in possession of a valid certificate of compliance.
- (8) a. Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorisation granted in terms of these by-laws.
  - b. The provisions of this subsection are not applicable to any action, which results in temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) a. The owner or the occupant must submit, on or before the first working day of the month in which the permit expires of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of compliance to the Service on the prescribed form: Provided that if the Service for some reason requires plan of the premises in question for the purposes of the renewal application, the plans must accompany the application.
  - b. The Service may send a reminder in respect of the renewal.
- c. Where a building is utilized and accordingly classified as A-type occupancy, in terms of the National Building Regulations, the Chief Fire Officer may issue such certificate for a period of not exceeding one calendar year. All other erf, stands or premises shall be issued with validity not exceeding five years.
- (10) Where so required by the Chief Fire Officer the attendance of the Service shall be provided for.

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

## **21. WATER SUPPLY FOR FIRE-FIGHTING**

- (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire) as well as SANS 11200 specifications. The Red Book-Guidelines for the provision of Engineering Services and Amenities shall also be applicable.
- (2) The Service must inspect fire hydrants at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.
- (3) The Service must properly plot the position of all fire hydrants for operational use. In the case of township development in the fire hydrant spacing must be in accordance with SANS 10090 (Community Protection against Fire) as well as SANS 1200 specifications. The Red Book-Guidelines for the provisions of Engineering Services and Amenities shall also be applicable. All the fire hydrants must be mark in accordance with the NFPA 291 standards. The hydrant serviceability including condition, access and operation must be maintained.
- (4) If any risk area is developed or redeveloped in such a manner that risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Services, as contemplated in Regulation A9 of the National Building Regulations, to determine the water connection of the Service, for submission to the Water Supply Division of the controlling authority: Provided that-
- a. if the premises are protected by a sprinkler installation, the water supply requirements must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
  - b. if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and
  - c. the size, work pressure and deliver flow of any water supply, excluding a water supply as contemplated in subsection (5)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 10252, Part 1.

## **22. REGISTRATION APPLICATIONS FOR EXISTING PREMISES**

- (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the

premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.

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

## **DANGEROUS GOODS**

### **23. APPLICATION FOR APPROVAL OF PLANS**

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

- (7) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

## PART 4 DANGEROUS GOODS

### 24. APPLICATION FOR APPROVAL OF PLANS

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

#### Group I: Explosives

Fireworks	No exemption
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#### Group II: Gases

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

3.1. With flash points 18°C exceed 40ℓ	Total quantity may not
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3.2. With flash points > 18°C but 23°C exceed 40ℓ	Total quantity may not
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3.3. With flash points > 23°C but 61°C exceed 200ℓ	Total quantity may not
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3.4. With flash points > 61°C but 100°C exceed 200ℓ	Total quantity may not
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#### Group IV: Flammable solids

4.1. Flammable solids exceed 250kg	Total quantity may not
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4.2. Pyrophoric substances	No exemption
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	4.3. Water-reactive substances	No exemption
<b>Group V:</b>	<b>Oxidising agents and organic peroxides</b>	
exceed 200kg	5.1. Oxidising agents	Total quantity may not
	5.2. Group I organic peroxides in packets	No exemption
exceed 200kg	5.3. Group II organic peroxides peroxides in packets	Total quantity may not
<b>Group VI:</b>	<b>Toxic/infective substances</b>	
exceed 5kg	6.1. Group I toxic substances in packets	Total quantity may not
exceed 50kg	6.2. Group II toxic substances in packets	Total quantity may not
exceed 500kg	6.3. Group III toxic substances in packets	Total quantity may not
	6.4. Infective substances	No exemption
<b>Group VII:</b>	<b>Radioactive materials</b>	No exemption
<b>Group VIII:</b>	<b>Corrosive/caustic substances</b>	
exceed 50kg	8.1. Group I acids in packets	Total quantity may not
exceed 200kg	8.2. Group II acids in packets	Total quantity may not
exceed 1000kg	8.3. Group III acids in packets	Total quantity may not
exceed 50kg	8.4. Group I alkaline substances in packets	Total quantity may not
exceed 200kg	8.5. Group II alkaline substances in packets	Total quantity may not



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

**Group IX:      Miscellaneous substances**

9.1. Liquids      Total quantity may not  
exceed 210ℓ

9.2. Solids      Total quantity may not  
exceed 210kg

(2) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled in such place or in such manner as to ensure that-

- a. no dangerous goods or fumes of the substances come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
- b. the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.

(3) No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.

(4) No certificate of registration will be issued in the respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.

(5) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate-

- a. must at all times be displayed in a weatherproof container in a conspicuous place  
on the premises designated by a member of the Service.
- b. Must be maintained in a legible condition at all times.
- c. Must reflect the groups and the quantities of dangerous goods for which the premises have been registered.
- d. Must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
- e. Must reflect the number of storerooms and the total capacity of each storeroom;

- f. Must reflect the number of gas installations, they type of gas installation and the total volume  
and/or delivery capacity of each installation;
  - g. Must specify the number of storage facilities for other dangerous goods and reflect the  
volumes intended for each facility;
  - h. Must reflect a serial number;
  - i. Must indicate whether the issue of such certificate is permanent or temporary;
  - J. Must reflect the period of validity and the expiry date of the certificate: Provided that the  
period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
  - k. Is not transferable from premises to premises;
  - l. Must, subject to the provisions of section 22 of these by-laws, be transferable from owner to  
owner and/or from control to control on the same premises: Provided that-
    - i. application for such transfer is made to the service on the prescribed form; and
    - ii. if the trade name of the premises changes, the holder of the spraying permit and/or  
certificate of registration must ensure that the change is immediately brought to the attention of the Service.
  - m. will not be issued unless the Service is in possession of a set approved plans as required by  
section 23 of these by-laws; and
  - n. will not be issued or renewed unless the prescribed application form has been completed in  
full and has been submitted.
- (6) a. Any person who has a legal certificate of registration in his/her possession may apply in  
writing on the prescribed form to have the total quantity of dangerous goods, flammable  
liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- b. The Service will approve an application only if the proposed amendments comply with the  
provisions of these by-laws.
  - c. If the application is approved, the applicant must submit his/her certificate of registration to  
the Service for amendment.

(7) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.

(8) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.

(9) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.

## **25. SUPPLY OF DANGEROUS GOODS**

(1) No person may -

c. supply more dangerous goods than the quantities referred to in section 24(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied.

d. deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.

(2) No person may handle any container containing a dangerous good in a manner that will damage or may damage that container, or permit the container to be damaged.

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

## **26. EXEMPTIONS**

(1) Notwithstanding anything to the contrary in these by-laws-

a. flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;

b. flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationery engine: Provided that the volume of the fuel tank does not exceed 1 100ℓ and the fuel tank is surrounded by a liquid-proof retaining wall.

Provided further that the fuel tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

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

**27. RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION**

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

**28. TEMPORARY STORAGE OF DANGEROUS GOODS**

- (1) The Service may grant a temporary certificate of registration for a period of not more than three months to any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities in section 24(1) of these by-laws: Provided that –
- (a) if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 9000ℓ;
- (b) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by section 23 of these by-laws; and
- (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure that it comply with the applicable South African National Standard.

Provided that the storage tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;

- (a) provision is made for the run-off of any possible rain water from the retaining walls or retaining embankments;
- (b) the storage tank is not erected within 5m of any erf boundary, building, excavation, road, open flames and/or driveway;

- (c) no source of ignition or potential ignition is brought within 5m of the storage tank;
  - (d) symbolic signs prohibiting smoking and open flames, at least 200mm x 300mm in size, are  
affixed to all sides of the temporary installation; and
  - (e) a minimum of two 9kg dry chemical powder type fire extinguishers are installed within 10m of the temporary installation.
  - (f) HAZMAT signs must be provided on the tanks.
- (3) Any person who fails to comply with the provision of this section is guilty of an offence.

## 29. DELIVERY OF DANGEROUS GOODS

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

ensure that the device is designed for the specific purpose and is in a safe and good working condition.

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

### **30. PROHIBITION OF CERTAIN ACTIONS**

- (1) Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –
- (a) perform any act or action, or have any act or action performed that may reasonably result in or cause a fire or an explosion; and
- (b) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any dangerous good into any borehole, pit, sewer, drain system or surface water, or permit any dangerous good to be dumped in or spilled into any borehole, pit, sewer, drain system or surface water.
- (3) No person may dump any dangerous good in any manner other than by having the substances removed or permitting the substances to be removed by an organization that is fully equipped to do so.
- (4) No person may light, bring or use, within 5m of any area where, to his/her knowledge, dangerous goods are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5m of such area.

- (5) No person may use any device in connection with dangerous goods in any basement level in  
a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus,  
or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or transport any dangerous good in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **31. "NO SMOKING AND NO NAKED FLAMES"**

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

### **32. FIRE-FIGHTING EQUIPMENTS AND MITIGATING AGENTS**

- (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate  
of registration in terms of section 24 of these by-laws and/or spraying permit in terms of section 48(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with-
- a. portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 810 (dry  
chemical type), SANS 1573 (foam type) and SANS 1571 (transportable type), of a minimum capacity of 9kg or 9ℓ, as the case may be, in a ratio of one fire extinguisher to every 100m<sup>2</sup> or part of it: Provided that the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
- b. hose reels, as specified in SANS 543 (hose reels), connected to a water supply as reflected

in Part W of SANS 100400, enabling each hose reel to maintain a flow of 0,5ℓ per second at a work pressure of 300kPa;

- c. fire hydrants, with couplings as specified in SANS 1128, Part II (Fire fighting equipment Couplings), in a ration of at least one to every 1000m<sup>2</sup> or part of it; and
- d. approved sprinkler systems in accordance with SANS 10087, SANS 10089, and SANS 10131.

(2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the service.

(3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.

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

### **33. REPORTING OF FIRES, ACCIDENTS AND DUMPING**

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

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

### **34. SAMPLING**

(1) Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may have a sample taken, by a suitably authorized person or company, of any substances for analysis: Provided that –

(a) sample so taken must be taken in the presence of the owner or occupier or any other third party;

(b) any sample must divided into two equal parts and be sealed in similar suitable containers with the following information on the containers:

- (i) The address and the location of the premises
- (ii) The trade name of the premises or concern



- (iii) The name and signature of the persons who are present, as contemplated in subsection (1)(a)
  - (iv) The date on which and time at which the sample was taken
  - (v) A description of the exact location on the premises where the sample was taken; and
- (c) Any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be. The taking of the sample shall be also be for the cost of the owner.

### **35. STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE**

- (1) The owner or user of any storage tank and/or related device that has become obsolete must,  
in accordance with the provisions of section 37 of these by-laws, the tank, installation or device or have the tank or device removed, in order to render the tank safe.
- (2) Any person who fails with the provisions of this section is guilty of an offence.

### **36. ACCES TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE**

- (1) No person may enter or permit any other person to enter any storage tank which contained  
Group III dangerous good, unless that person is wearing an effective self supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 089, Part I, as amended.
- (2) No person may enter any storage tank which contained Group III dangerous good unless that  
person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **37. INSTALLATION, ERECTION, REMOVAL AND DEMOLITION**

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-law.
- (2) Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever-
- a. anything is removed temporarily for carrying out repairs or in connection therewith;
  - b. any above-ground or underground equipment and/or parts of the equipment are replaced ;  
and
  - c. any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) a. No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 23 of these by-laws, is made again.
- b. After completion of the structure, building or installation, application must be made again for a certificate of compliance, spraying permit and/or certificate of registration in accordance with the provisions of PART IV, DANGEROUS GOODS, of these by-laws.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **38. GROUP I DANGEROUS GOODS**

- (1) All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232, of the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be,

(2) The legislation rest with the SAPS (specifically the Chief Inspector of Explosives).

- a. The Local Municipality does not issue any licence, but must submit a recommendation to the Chief Inspector of Explosives, where it is indorse by the Chief Fire Officer indicated there are no outstanding requirements.
- b. The owner/occupant must comply with Section 20 of these by-laws and such certificate is valued for a period of not exceeding one calendar year.

(3) Fireworks display must be approved by the Chief Fire Officer and;

- a. subjected to the requirements as approved.
- b. a application must be done at the Fire Service.
- c. the application form must be accompanied by the proved of payment fees prescribed in Annexure I to these By-Laws and
- d. the application must be submitted for processing to the office of the Fire Service at least fourteen (14) days (excluding Saturday, Sunday and Public Holiday) prior to the display.

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

### **39. GROUP II DANGEROUS GOODS**

#### **Portable Containers**

(1) All portable metal containers and related devices for Group II dangerous goods must be

manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.

(2) All portable containers for liquid petroleum gas must be stored, filled and/or installed in

accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 019 and SANS 087, Parts I to VIII, as the case may be.

(3) All portable containers for Group II dangerous goods must at all times be transported,

stored and/or installed in a vertical position.

#### **Bulk Containers**

(4) All bulk containers for Group II dangerous goods must be designed, manufactured,

maintained and installed in terms of the provisions on the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 019, SANS 087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

**Manifold Installations**

(5) (a) No Group II dangerous good may, for any reason whatsoever, be used, stored, handled

or installed indoors in any manifold installation or otherwise on any premises.

(b) The provisions of this section are not applicable to the storage, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45ℓ inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that liquid petroleum gas will only be permitted indoors on condition that the prospective user is sufficient natural ventilation in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralised as not to be within the recognised explosive limits for the gas in accordance with SANS 10087 codes.

(i) Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulations A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.

(ii) Scientifically based detailed calculations and tests must be the basis of such proof.

(6) a. No person may, without the permission of the Chief Fire Officer, use, handle, display or

apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.

b. In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound

containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.

c. The provisions of section 39(5)(b) of these by-laws are applicable *mutatis mutandis* to this subsection.

(7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirement of SANS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.

- (8) The installation within the area of underground pipelines for any Group II dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

#### **Underground pipelines**

- (9) Any underground pipeline for a Group II dangerous good must comply with the following requirements:

- a. The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600ℓ per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
- b. The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
- c. The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
- d. The installation and extension of the pipeline and/or branches to consumer's premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
- e. No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.

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

### **40. GROUP III DANGEROUS GOODS**

#### **Tank Manufactures**

- (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III dangerous goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (2) Any person who installs, uses or utilises or attempts to install, use or utilise any underground storage tank which does not comply with the requirements of SANS 1535, is guilty of an offence.

#### 41. INSTALLATION OF STORAGE TANKS

- (1) Any storage tank for Group III dangerous goods must be installed in accordance with the provisions of SANS 0400; SANS 089, Parts I, II and III; SANS 0131, Parts I, II and III; SANS 0108 and SANS 086, as the case may be: Provided that –
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 0131, Parts I, II and III, as the case may be;
- (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
- (c) temporary installations must be approved and for not more than six months,
- (d) no aboveground tanks classification as Class ii and iii in SANS 100131 Part I will be allowed in urban areas, excepted if it is a bulk depot accordance SANS10089 Part I;
- (e) no aboveground tank classification Class ii will be allowed in rural area unless it been approved by the existing zoning of the land use in terms of the Town planning scheme for resale purposes;
- (f) a maximum of three BTF will be allowed, as contemplated in subsection (1) e;
- (g) additional safety distances for aboveground tanks classification class iii according SANS 100131 for diesel in rural area (farms) will be 15 meter from any boundary fencing, building, open flames and any other inflammable liquid stores;
- (h) all installations, as contemplated in subsection (1)(a) and (g), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
- (2) The installation within the area of underground pipelines for any Group III dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 23, 24, 25, 27, 29 and 31 of these by-laws.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

Note: No aboveground tank for diesel in rural area is subject for resale purposes because then it is a filling station and it must then be design according SANS 10089-part iii.

**PART 5**  
**CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION**  
**AND TRANSPORT PERMITS**

**42. SERVICE TRANSPORT FOR FLAMMABLE SUBSTANCES**

(1) The owner of any vehicle used for transporting flammable substances in the area must,  
have a valid transport permit in terms of the SANS Standards 1398, 1518, 10228, 10299, 10230, 10231, 10232 and 10233 for transporting flammable substances: Provided that-

- a. each vehicle for which such a permit has been issued must comply with the provisions of  
section 42 of these by-laws;
- b. the application form, provided for in Annexure II to these By-laws and obtainable from the  
Service, must be completed correctly and in full;
- c. the application form must be accompanied by the fees prescribed in Annexure I to these by  
laws; and
- d. the application must be submitted for processing to the registration office of the Service at  
least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.

(2) The transport permit must-

- c. indicate the date of issue and the date of expiry;
- d. be valid for a period of twelve months from the date of issue;
- e. indicate the name, in block letters, of the issuing officer and bear the officer's signature;
- f. indicate a year-linked serial number;
- g. indicate the group and quantity of dangerous goods to be transported;
- h. indicate the registration number of the vehicle in question;

(3) The Service may send a reminder for renewal of the transport permit to the owner of the  
vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.

(4) Any person who fails to comply with the provisions of this section, or who alters or attempts  
to alter a transport permit or who permits it to be altered, is guilty of an offence.

**PART 6**  
**STOREROOM FOR DANGEROUS GOODS**  
**43. REQUIREMENTS FOR STOREROOMS**

**Capacity**

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

**Danger notices in storeroom**

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

**Display of certificate of registration**

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

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

- (4) The construction of any storeroom must be in accordance with requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- (a) The storeroom floor must consist of concrete;
- (b) The storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
- (c) The storeroom roof must consist of-
- (i) reinforced concrete with a fire resistance of at least 120 minutes; or
- (ii) any other non-combustible material, if the storeroom-
- aa. is not situated within 5 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.

### **Doors**

(5) Any storeroom must be equipped with Class B-Type fire doors manufactures and installed in accordance with SANS 1253: Provided that –

(a) the said doors must open to the outside and have a lock or locks as are approved by the Chief Fire Officer;

(b) whenever the distance to be covered from any storeroom is 4m or more, the storeroom must have at least two Class B type fire doors, which doors must be installed as far from each other as is practicable; and

(c) if it is built according (4) (c) (ii) (aa) and (bb) the door can be of non-combustible material

(d) any door providing access to a storeroom must at times be capable of being opened easily from the inside without the use of a key.

### **Windows**

(6) All window frames must be manufactured of steel and must-

a. be fitted with wire glass with a minimum thickness of 8mm; and

b. have window panels with a maximum size of 450mm x 450mm : Provided that no window must be capable of being opened.

### **Catch pit**

(7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –

a. the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;

b. if required by the Chief Fire Officer the catch pit must be covered at door sill level with strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and

c. the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

### **Ventilation**

(8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open

air at a place or places where fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.

#### **Natural ventilation**

(9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140mm x 215mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5mm: Provided that the airbricks are-

- a. provided in at least three external walls; and
- b. positioned 100mm above the level of the sill and 100mm below the roof and more than 450mm apart.

#### **Mechanical ventilation**

(10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that –

- (a) the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hours;
- (b) the vanes of the system must be manufactured from static-free material;
- (c) the fumes must be released into the open air and the outlets must not be within 5m of any opening of a building or erf boundary.
- (d) all ventilators must be attached firmly to the inside of the walls;
- (e) the bottom ventilators must be affixed as close as possible to the level of the sill; and
- (f) all ventilation openings and/or air duct openings must be installed in the opposite wall, 100mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.

#### **Electrical equipment**

(11) The owner or person in charge of a storeroom must ensure that –

- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are  
protected and installed in accordance with the equipment of the appropriate classification for the particular area in terms of the provisions of SANS 10108;
- (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in

compliance with the provisions contained in SANS 10108 must be situated outside that storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;

- (c) all metal parts and electrical fitting and any device in or in connection with a storeroom are earthed effectively with each other and the storeroom;
- (d) switches actuating any mechanical ventilation system are situated outside the store room;
- (e) any mechanical ventilation system is on at all times during occupation, except whenever they system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
- (f) whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical system, are switched off.

#### **Electrical installations installed by qualified electricians**

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

#### **Storerooms constructed from other, non-combustible materials**

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

**Unauthorised access**

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

**Abuse of a storeroom**

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

**44. KEEPING AND HANDLING DANGEROUS GOODS IN STOREROOM**

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

**PART 7****SPRAY-PAINTING MATTERS AND SPRAYING PERMITS**

**45. REGISTRATION OF SPRAY-PAINTING ROOMS**

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

**Prohibition of certain actions**

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

**Display and conditions of spraying permit**

- (3) A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
  - b. The spraying permit must be legible at all times
  - c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
  - d. A serial number must be indicated on the spraying permit
  - e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.
  - f. The spraying permit is not transferable from premises to premises.
  - g. In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that –

- i. application must be made for transfer to the Service on the prescribed form; and
- ii. if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service,
- h. The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 23 of these by-laws.
- i. The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
- j.
  - a. Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
  - b. The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
  - c. Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

#### **46. CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS**

- (1) The construction of a spraying room and/or spraying booth must be in accordance with the following requirements:
  - a. the floor must be of concrete
  - b. the walls must be of brick and/or concrete

- c. the roof must be of reinforced concrete.
  - d. the doors must be Class B type fire doors as contemplated in SANS 1253
  - e. the window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire glass with a minimum thickness of 8mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- a. The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5mm.
  - b. The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
  - c. If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
  - d. The floor must be of concrete or metal
  - e. The window must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire glass with a minimum thickness of 8mm.
  - f. All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in subsection (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.
- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR and is found to be suitable for the particular intended purpose.

#### **Location of and access to a spraying room**

- (5) a. Notwithstanding the door(s) granting for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must –

- i. open to the outside;
  - ii. be at least 800mm x 2000mm in extent;
  - iii. be positioned on opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4m; and
  - iv. be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- b. Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1200mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
  - c. If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1200mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300mm higher than the roof of the spraying room.
  - d. Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that not more than two sides of the spraying room may border the firewalls.

#### **Water floors**

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

#### **(7). Electrical equipment**

All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.

- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.



- (11) An accredited person must install and certify all electrical installations: Provided that a copy of the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

**(12) Mechanical ventilation**

- (a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
- (i) the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0,5m/s;
  - (ii) the vanes of the system must be manufactured from static-free materials;
  - (iii) the fumes must be released into the open air and the outlets must not be within 4.5m of any of a building or erf boundary;
  - (iv) all ventilators must be attached firmly to the inside of the walls;
  - (v) the bottom ventilators must be affixed as close as possible to the level of the floor; and
  - (vi) all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.
  - (vii) Every spray room shall have at least one of its doors fitted with an un-openable strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

**Fire dampers, fire detectors and fire alarms**

- (b) A fire damper must be affixed in front of any air purification filter, or any part of a filter

forming an integral part of ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must-

- i. close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10°C in the predetermined working temperature;
- ii. be so installed that the damper will remain in position even if the air duct distorts during a fire; and
- iii. be provided with any overriding fusible link.

- (c) The sensor contemplated in subsection (12)(b)(i) must also-

- i. be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
- ii. activate a visual and audible alarm inside and outside the spraying room.

**Positioning of ventilation outlets**

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

- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

#### **Display of signs prohibiting open flames and smoking**

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

#### **Maintenance of spraying rooms**

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this section and the manufacturers specifications. Proof of such maintenance must be provided upon request from a member.

#### **Unauthorised access**

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

#### **Abuse of spraying room**

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

#### **Provision of fire-fighting equipment**

- (19)
- (a) Any spraying room must have a 9kg dry chemical fire extinguisher on the outside, which extinguisher must be installed in positions determined by the Chief Fire Officer.
  - (b) All spraying rooms must be protected by a fire hose reel referred to in section 32(1)(b) of these by-laws.

#### **Drying kiln/heating devices**

- (20) Whenever any manifold installation of a Group II dangerous good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 087, Part I, and the relevant

provisions of these by-laws will apply *mutatis mutandis* in the application of this section.

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

**PART VIII****ANIMALS****47. HANDLING ANIMALS DURING EMERGENCIES**

(1) Provision must be made for the professional handling of animals during an emergency on

any premises, but particularly at zoological gardens, feedlots, stable, research institution, veterinary practices and/or places of veterinary science study: Provided that the Service may-

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

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

**PART IX****PENALTIES****48. PENALTIES FOR CONTRAVENTIONS**

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

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

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

**50. REPEAL OF BY-LAWS**

The following by-laws are hereby repealed:

(1). The existing municipal fire service by-laws are contained in the following publications:

- a. Administrators Notice 1771 of 23 December 1981 as amended.
- b. Administrators Notice 354 of 8 May 1957 as amended.

**51. SHORT TITLE**

This by-law is called the Emergency Service By-law and will come into operation on the date of publication in the Provincial *Government Gazette*.

**PART XI  
ANNEXURES**

**ANNEXURE I  
TARIFFS**

**FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 AND 7 OF THE  
FIRE BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING  
EMERGENCY SERVICES**

- A. A controlling authority may, subject to any condition contemplated in section 11(2)(a) of Act 99 of 1987), determine the fees payable by a person on whose behalf the service of the controlling authority is applied –
  - a. for the attendance of the service;
  - b. for the use of the service and equipment; or
  - c. for any material consumed.
2. A person on whose behalf, in the opinion of the Chief Fire Officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that Chief Fire Officer for the payment of the fees referred to in subsection (1) or any portion thereof.
3. The prescribed fees payable to the Service as determined in to these by-laws.
4. Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned.
5. As soon as an objection contemplated in subsection (3) is received that Chief Fire Officer of the controlling authority concerned shall without delay obtain written comment thereon from the Chief Fire Officer and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment.
6. A certificate purporting to be signed by a Chief Fire Officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be *prima facie* proof of the amount payable by the person mentioned therein.

**TRAINING INSTITUTIONS**

1. The Minister may after consultation with the Training Board establish by section 2 of the local Government Training Act, 1985 (Act No. 41 of 1985), and the Board which has consulted with the service or other institution concerned –
  - a. on such conditions as he may determine by notice in the Gazette declare such a service or other institution as a training institution at which the proficiency training, or any part thereof, required for or connected with the prescribed

qualifications of a Chief Fire Officer or a member of a service may be obtained;  
and

- d. take such steps or cause such steps to be taken as he may deem necessary or expedient for the proper control, management and development of, or for the extension of the training facilities at, such training institution.
2. Whenever a member of a service with the approval of his employer attends a course at such training institution, that employer shall pay to the training institution the costs of such attendance according to a tariff determined by the training institution concerned.
3. The prescribed fees payable to the Service for the training as determined in to these by-laws

## **B. FEES FOR EMERGENCY SERVICES**

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

## **2. GENERAL DIRECTIVES FOR THE PAYMENT OF THE FEES**

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

## **3. EXEMPTIO FROM PAYMENTS OF CHARGES**



No charges shall be payable where-

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

**ANNEXURE II****OFFICIAL DOCUMENTS****A. GENERAL**

The Service must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these by-laws.

**B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS**

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority.
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full, including the postcode (on all application forms).
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms).
8. The signature of the issuing officer.
9. The date on which the document was issued.
10. The expiry date of the document
11. The type of document, such as :
  - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
  - (2) "Application for a certificate of compliance"
  - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/spraying permit"
  - (4) "Application for a transport permit" or "Transport permit"
  - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"

12. Any other relevant information, such as:
  - (1) the groups and subgroups of dangerous goods for which registration is required.
  - (2) the required quantity of each group of dangerous good
  - (1) the manner in which the substances are to be stored, for example-
    - a. in an underground storage tank;
    - b. in an above-ground storage
    - c. in a dangerous good store; or
    - d. in a manifold installation
  - (2) An indication of all spray-painting rooms and submersion tanks, as the case may be.
13. A serial number (on all permits and certificates).
14. A receipt number (on all permits and certificates)
15. The official stamp of the Service.

## **C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS**

### **1. APPLICATION FORMS**

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2) a All application forms must have all the administrative information as contained in paragraph  
**B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS).**
  - b. On all application forms, space must be left in which the correct application fees, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.
  - c. A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up

chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SANS codes of practice and/or specifications, as the case may be.

- (4) At the top of each checklist-
  - a) it must be stated that the checklist is for office use only;
  - b) space must be set aside for the date, time and place of the appointment for an inspection;  
and
  - c) space must be set aside for particulars of the contact person who will represent the applicant  
during the inspection.
- (5) At the end of each checklist, space must be set aside for -
  - (a) the signature of the member of the Service who completed the checklist;
  - (b) the date on which the checklist was completed; and
  - (c) an indication of whether or not the application is successful
- (6) Provision must also be made on each application form for -
  - (a) full particulars of the registration officer who received the application fee;
  - (b) the method of payment, for example cash, postal or cheque; and
  - (c) an official receipt number.

## **2. PERMIT AND CERTIFICATES**

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph

**A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these by-laws must appear at the top of all permits and certificates.

- (2) All permits and certificates must have all the applicable administrative information as  
contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**

## **3. TRANSPORT PERMIT**

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

- (1) The registration number of the vehicle in question
- (2) The chassis number of the vehicle in question
- (3) The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker

- 
- (4) The gross vehicle mass of the vehicle in question
  - (5) The tare of the vehicle in question
  - (6) The type of load to be transported, for example a single load or a multiple load, and they  
quantity to be transported in litres or kilograms, as the case may be.
  - (7) The group of dangerous good(s) to be transported, for example Group I, II or III, or a  
combination of them, as the case may be
  - (8) Where applicable, the make of the vehicle
  - (9) The date of issue of the permit
  - (10) The date of expiry of the permit
  - (11) The signature of the issuing officer
  - (12) A serial number
  - (13) A watermark

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

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

**B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS**

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

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

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

**(2) EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE**

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

**(3) DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL**

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

**(4) ACTION PLANS AND EMERGENCY ACTIONS**

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

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

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

### **3. TRAINING OF STAFF MEMBERS**

Designated staff members must be trained in the following:

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

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

### **C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN**

Any emergency evacuation plan must contain the following:

- (1) Emergency telephone numbers
- (2) The following general information:
  - a. The address of the premises in question
  - b. The nature of the activities on the premises
  - c. The number of staff members present on the premises at any time
  - d. An indication of whether or not there is a control room on the premises
  - e. An indication of whether or not there is an alarm system on the premises
  - f. Particulars of contact persons
- (3) An area study with the following information:
  - a. History of incidents on the premises in question
  - b. Important features/landmarks with regard to the location of the premises
  - c. Key information of adjacent premises

- (4) Particulars regarding socio-economic or other threats and the potential impact of these threats on premises
- (5) Particulars of the following equipment available on the premises:
  - a. Equipment in the control room
  - b. Fire-fighting and first-aid equipment throughout the premises
  - c. Any other equipment
- (6) The following information on manpower:
  - a. Emergency management
  - b. Fire teams
  - c. First-aid teams
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises.
- (10) An emergency plan register with the following information:
  - a. Updated register of emergency evacuation plan
  - b. Drill register of emergency evacuation plan.
- (11) A bomb threat questionnaire



**ANNEXURE V****NORMATIVE REFERENCE LIST**

Where reference is made in these by-laws to an SANS number, the reference relates to a document bearing the number and title indicated in the following table:

1	2	3	4
SANS NO	TITLE	GOVERNMENT NOTICE NO	DATE
	National Fire Services Act (99 of 1987)		
	National Veld and Forest Fire Act (101 of 1998)		
	National Building Regulations & Standards Act (103 of 1977)		
	Occupation Health and Safety Act (85 of 1993)		
10-0193	Fire-dampers		
10-1543	Fire hose reels (with hose)		
1186	Symbolic safety signs		
1253	Fire door assemblies		
10087-1	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Liquefied petroleum gas installation involving gas storage containers of individual water capacity not exceeding 500 L and a combined water capacity not exceeding 3000 L per installation		
10087-3	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 L		
10087-4	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Transporting of LPG in bulk by road		
10087-6	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – The application of liquefied petroleum and compressed natural gasses as engine fuels for internal combustion engines.		
10087-7	Handling, storage and distribution of liquefied		

	petroleum gas in domestic, commercial, and industrial installations – Storage and filling sites for refillable liquefied petroleum gas LPG containers of capacity not exceeding 9 kg.		
10087-8	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – The fuelling of fork lift trucks and other LP gas operated vehicles		
10087-10	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Mobile filling stations for refillable liquefied petroleum gas LPG containers of capacity not exceed 9 kg.		
10089-1	The petroleum industry –Storage and distribution of petroleum products in above ground bulk installations		
10089-02	The petroleum industry: Electrical installations in the distribution and marketing sector		
10089-03	The petroleum industry: The installation of underground storage tanks, pumps/dispensers and pipe work at services station and consumer installations		
10228	The identification and classification of dangerous goods for transport.		
10229	Packaging of dangerous goods for road and rail transport in South Africa		
10230	Transport of dangerous goods- Inspection requirements for road vehicles		
10231	Transportation of dangerous goods- Operational requirements for road vehicles		
10232-1	Transport of dangerous goods- Emergency information system-Part 1: Emergency information system for road transporting.		
10232-2	Transport of dangerous goods- Emergency information system-Part 2: Emergency information system for rail transportation.		
10232-3	Transport of dangerous goods- Emergency information system-Part 3: Emergency response guides		
10233	Transport of dangerous goods- Intermediate bulk containers.		
10263	The warehousing of dangers goods- Enclosed storage areas and covered and uncovered outdoor storage yards		
10265	The classification and labelling of dangerous substances and preparation for sale and handling		
10304-1	The classification of pesticides and stock remedies for sale and handling in South Africa-Part 1: The classification of pesticides		
10304-2	The classification of pesticides and stock remedies for sale and handling in South Africa-Part 2: The		

	classification of stock remedies		
10406	Transport of dangerous goods –the reprocessing of previously certified packing		
10105	The classification, use and routine maintenance of portable fire extinguishers		
10131	Above-ground storage tanks for petroleum products		
10400	The application for the National Building Regulations		
1518-1	Transport of dangerous goods-Design requirements for road vehicles and portable tanks. Requirements applicable to all vehicles.		
1518-2	Transport of dangerous goods- Design requirements for road vehicles and portable. Requirements for road tank vehicles.		
1518-3	Transport of dangerous goods- Design requirements for road vehicles and portable. Design requirements for portable tanks		
1560	Corrugated fibreboard boxes for dangerous goods		
10072	The safe handling of pesticides		
10139	Fire detection and alarm system for buildings – System design, Installation and servicing.		
10287	Automatic sprinkler installations for fire-fighting purposes		

**LOCAL AUTHORITY NOTICE 153****MOPANI DISTRICT MUNICIPALITY****FOODHANDLING BY-LAWS**

**The Municipal Manager of the Mopani District Municipality acting in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 162 of the Constitution of the Republic Act 108 of 1996 hereby publishes the Food Handling By-Law for the Mopani District Municipality, as approved by its Council, as set out hereunder**

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### **Definitions**

In this by-law any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates –

**"animal"** means any member of the animal kingdom;

**"available"** includes available elsewhere than on the food premises in question;

**"best available method"** means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

**"certificate of acceptability"** means a certificate of acceptability referred to in section 3;

**"clean"** means free of any dirt, impurity, objectionable matter or contamination to the extent that a state of hygiene is attained;

**"container"** means anything in which or with which food is served, stored, displayed, packed wrapped, kept or transported and with which food is in direct contact;

**"contaminate"** means the effect exerted by an external agent on food so that it:

(a) does not meet a standard or requirement determined by any law;

(b) does not meet acceptable food hygiene standards or consumer norms or standards; or

(c) is unfit for human consumption;

**"core temperature"** means the temperature reading taken in the estimated centre of the food;

**"Council"** means the Greater Letaba Municipal Council and any officer to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this by-law;

**"facility"** means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food;

**"food"** means a foodstuff intended for human consumption as defined in section 1 of the

Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), excluding food referred to in regulation 14;

"food handler" means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

"food premises" means a building, structure, stall or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food;

"good manufacturing practice" means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

"handle" includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and "handling" has a corresponding meaning;

"hands" includes the forearm or the part of the arm extending from the wrist to the elbow;

"health hazard" includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health;

"inspector" means a medical officer of health appointed in terms of section 22(1) of the Act, or an environmental health officer or veterinary surgeon appointed in terms of section 24(1) of the Act;

"perishable food" means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 40C to 650C, and includes the perishable foodstuffs listed in Government Notice No. R.1183 of 1 June 1990, as amended, excluding fruit and vegetables;

"person in charge", with regard to any food premises, means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

"prepacked food", means food which, before it is presented for sale or for serving, has been packed as contemplated in section 7(3);

"ready-to-consume food" means any perishable food which may be consumed without having to undergo any further process of preparation to make it consumable;

"serve" includes the provision of food whether for a consideration or otherwise;

"the Act" means the Health Act, 1977 (Act No. 63 of 1977);

"thermometer" means an apparatus which can give the temperature readings referred to in these regulations, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0, 50C°;

"these by-laws" includes any annexure to these by-laws;

"unsound" means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

"vehicle" means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship or aeroplane, and includes any other craft, vehicle or conveyance used in the handling or transport of food;

"water" means water that complies with the requirements set out in SABS 241: Water for domestic supplies.

### **Application**

2. (1) If the Council does not have the services of an inspector at its disposal for any reason may use the services of an inspector from another health authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these by-laws.

(2) No provision of these by-laws that is in conflict with regulations made under the Act with regard to the handling or transport of certain foods shall be valid in so far as it so conflicts.

### **Certificate of acceptability**

3. (1) Subject to the provisions of subsection (2) and section 15(5), no person shall handle food or permit food to be handled -

(a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force;

(b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.

(2) The provisions of subsection (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws on the first day following a period of six months after the date of promulgation of these by-laws.

(3) The person in charge of any food premises wishing to obtain a certificate of acceptability in respect of such food premises shall apply therefore in writing to the council on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to these by-laws.

(4) Upon receipt of an application referred to in subsection (3), the council shall without delay refer

the application to an inspector for consideration.

(5) An inspector may, in considering such an application, request such for further information as he or she may deem necessary or expedient from the applicant or from any other person.

(6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of sections 4(2) and 15 -

(a) do in all respects comply with the provisions of section 5 and 6, the Council shall issue a certificate of acceptability in the name of the person in charge on a form that is substantially the same as the form in Annexure B of these by-laws; or

(b) do not in all respects comply with the provisions of section 5 and 6, a local authority may, subject to the provisions of section 4(2), grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension the provisions of subsection (1) shall not apply to the person concerned.

(7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.

(8) If the person in charge of food premises is replaced by another person, such person shall inform the local authority in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of section 4(2), issue a new certificate of acceptability in the name of the new person in charge.

(9) A certificate of acceptability -

(a) shall not be transferable from one person to another person and from one food premises to another food premises;

(b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;

(c) may at any time be endorsed by the council by -

- i. the addition of any further restriction that may be necessary to prevent a health hazard; and
- ii. the removal of any restriction with regard to the category or type of food or the method of



handling;

- (d) shall expire temporarily for the period during which a prohibition under section 4(2) is in effect
- (e) shall expire permanently if a prohibition referred to in section 4(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 4(2);
- (f) shall expire permanently if the provisions of subsection (8) are not complied with.

(10) No person may make any unauthorized changes or additions to or forge a certificate of acceptability.

### **Prohibition on the handling and transportation of food**

4. (1) No person shall handle food in a manner contrary to the provisions of these by-laws.

(2) If an inspector following an inspection of food premises or a facility is of the opinion -

(a) that such food premises or facility-

- i. are or is in such a condition or used in such a manner; or
- ii. do or does not comply with these sections to the extent;

(b) that a particular activity with regard to the handling of food takes place in such a manner; or

(c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the council may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written notice in terms of section 52 of the Act on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

(3) A notice referred to in subsection (2) shall contain at least the following particulars:

(a) The reason(s) for the prohibition;

(b) a statement that the prohibition will in writing be removed by a local authority as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.

(4) (a) A prohibition shall come into operation from the time at and the date which a notice is served under subsection (2).

(b) No person shall perform any act that is contrary to such prohibition.

(5) An inspector shall, within 72 working days hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and council shall upon completion of such investigation in writing inform the person on whom the prohibition notice was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.

(6) The council may levy an inspection fee equivalent to the expenses incurred by it for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of subsection (5).

#### **Standards and requirements for food premises**

5. (1) Subject to section 15 no person shall handle food elsewhere than on food premises that meet the requirements of this section and section 6.

(2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose which they were designed, equipped and appointed –

(a) without creating a health hazard; and

(b) in such manner that food

(i) can be handled hygienically on the food premises or with the equipment thereon; and

(ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

(3) For the purposes of subsection (2) food premises shall meet the following requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall -

- (i) have no open joints or open seams and shall be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -

(aa) face brick;

(bb) similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or

(cc) decorative wall or ceiling finishes which are easy to clean, may be used -

- (ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

(b) Each room of food premises shall be -

- (i) ventilated effectively by means of -

(aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or

(bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, Food premises shall steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

(ii). illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; and (bb) artificial illumination which complies with the requirements of the National Building Regulations and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall:

(i). have a wash-up facility with hot and cold water for the cleaning of facilities;

(ii). be rodent - proof in accordance with the best available method:

Provided that this requirement shall not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;

(iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;

(iv) have a waste - water disposal system approved by the council.

(d) The following shall be available in respect of food premises:

(i) The number of latrines, urinal stalls and hand washbasins. specified in Annexure C to these by-laws for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that . separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;

(ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand drying material or other hand-cleaning facilities or hand drying equipment for the cleansing and drying of hands by such workers and persons;

(iii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food - handling area;

(iv) storage space for the hygienic storage of food, facilities and equipment and a suitable - separate area for the hygienic storage of refuse containers on the food premises;

(v) a separate changing area with storage facilities for clothes;

(vi) an adequate supply of water.

(e) No. room in which food is handled shall have a direct connection with any area

(i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling "room could be contaminated or spoilt;

(ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;

(f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated -

(i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with durable self-closing devices; or

(ii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

#### **Standards and requirements for facilities on food premises**

6. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooden chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.

(2) No surface referred to in subsection (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.

(3) Any utensil or item which is suitable for single use only -

(a) shall be stored in a dust-free container until used; and

(b) shall not be used more than used.

(4) A surface referred to in subsection (1) and a facility referred to in subsection (2) shall be -

(a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and

(b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith, contain -

(i) "no more than 100 viable micro-organisms per cni2 upon analysis, conducted in accordance with acknowledged scientific micro-biological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SASS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and (ii) no remains of cleaning materials or disinfectants vyhich may pollute the food.

(5) (a) Every chilling and freezer facility used for the storage, display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

**Standards and requirements for food containers**

7. (1) No person shall sell canned or hermetically sealed food in a container which -
- (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;
  - (b) is in any way blown or from which gas escapes when it is opened or punctured, unless
    - (i) the container contains an aerated drink; or
    - (ii) gas has been used as a preservative;
  - (c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed;
  - (d) had a leak which was resealed.
- (2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.
- (4) Perishable food, excluding the products referred to in section 14 and products that are not prepacked, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

**Standards and requirements for the display, storage and temperature of food**

8. (1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.
- (2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.

(3) Non-prepacked, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

(4) (a) Subject to subsection (5) all food specified in Annexure D to these by-laws shall, excluding the time taken by the food to cool down or to be heated to the required temperature in accordance with good manufacturing practice, during the storage, transport or display thereof be kept at a core temperature not exceeding the core temperature specified in column 3 of Annexure D opposite the relevant category of food, and no food shall be sold if, in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 20C higher than the required core temperature, and, in the case of heated food products, the core temperature thereof is lower than the required core temperature or the surface temperature thereof is more than 20C lower than the required core temperature.

(b) The provisions of paragraph (a) shall not apply to -

(i) any perishable food that will be sold directly to a consumer within one hour of being processed or prepared or that will be consumed on the food premises within one hour of being processed or prepared;

(ii) venison, for a period not exceeding eight hours after the animal concerned has been killed: Provided that the surface temperature thereof shall not exceed 25°C;

(iii) unprocessed raw fish, mollusks or crustaceans or raw meat or edible offal or the carcasses of cattle, sheep, goats, pigs, horses, mules, donkeys, rabbits or ostriches while being transported for a period not exceeding one hour during delivery: Provided that the surface temperature thereof shall not exceed 25°C.

(iv) any food exposed to higher temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process: Provided that exposure to such higher temperatures shall be in accordance with good manufacturing practice.

(5) Any food that is marketed as a frozen product and has thawed but the surface temperature of which has not exceeded 70 °C may be refrozen: Provided that such refrozen product shall be handled in accordance with good manufacturing practice.



(6) The code of practice for measuring the temperature of food set out in Annexure E to these by-laws shall, in so far as it is applicable, be applied to measuring the temperature of food.

#### **Standards and requirements for protective clothing**

9. (1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection (2).

(2) (a) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall (a) be clean and neat when such person begins to handle the food;

(b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;

(c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

#### **Duties of a person in charge of food premises**

10. A person in charge of food premises shall ensure that -

(a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;

(b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;

(c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;

(d) refuse is stored or disposed of in such a manner that it does not create a nuisance;

(e) refuse bins are -

(i) cleaned regularly; and

(ii) disinfected whenever necessary and whenever an inspector requires it to be done;

(f) waste water on the food premises is disposed of to the satisfaction of the local authority;

(g) the food premises and any land used in connection with the handling of food and all facilities,

freight compartments *of* vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;

(h) no person handling non-prepacked food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;

(i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -

(i) a guide dog accompanying a blind person *may* be permitted in the sales or serving area of the food premises;

(ii) fish, molluscs or crustaceans *may* be kept alive until prepared for consumption;

(iii) a live animal *may* be killed in a separate room before the carcass is handled, subject to section 2(4);

(j) no condition, act or omission that *may* contaminate any food arises or is performed or permitted on the food premises;

(k) the provisions of these by-laws are complied with;

(l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 9 and 11, respectively;

(m) a room or area in which food is handled shall not be used for:

- (i) sleeping purposes;
- (ii) washing, cleaning or ironing of clothing or similar laundry;
- (iii) any other purpose or in any manner that may contaminate the food therein or thereon;

(n) no food handler touches ready-to-consume non-prepacked food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice;

(o) the reporting of diseases and conditions contemplated in section 11 (2)(b) are properly recorded and kept for perusal by an inspector.

#### **Duties of a food handler**

11. (1) Food, a facility or a container shall not be handled by any person -

(a) whose fingernails, hands or clothes are not clean;

(b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner-

(i) immediately prior to the commencement of each work shift;

(ii) at the beginning of the day's work or after a rest period;

(iii) after every visit to a latrine or urinal;

(iv) after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;

(v) after handling a handkerchief, money *pr* a refuse container or refuse;

(vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;

(vii) after he or she has smoked or on return to the food premises; or

(viii) after his or her hands have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture-proof dressing which is firmly secured to

prevent contamination of the food;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(3) No person shall-

(a) spit in an area where food is handled or on any facility;

(b) smoke or use tobacco in any other manner while he or she is handling non - prepacked food or while he or she is in an area where such food is handled;

(c) handle non-pre packed food in. a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;

(d) lick his or her fingers when he or she is handling non - prepacked food or material for the wrapping of food;

(e) cough or sneeze over non-prepacked food or food containers or facilities;

(f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;

(g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food processing surfaces or other facilities;

(h) use a hand wash basin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or

(i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

**Standards and requirements for the handling of meat**

12. (1) No person shall on food premises handle meat derived from an animal slaughtered in contravention of section 3 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).

(b) No person shall on food premises handle the meat of an animal exempted from the provisions of sections 3(1) and 10(1) of the Abattoir Hygiene Act, 1992, unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of section 10(1) of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992)."

(2) Meat on a carcass shall not be handled on food premises, unless -

(a) the carcass has been properly bled;

(b) the abdominal viscera were removed within 30 minutes after the killing of the animal in such a manner that neither the stomach and intestinal content nor any other matter polluted or spoiled the meat; and (c) the thoracic viscera were removed within three hours after the killing of the animal.

(3) Unskinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.

(4) Subject to section 3 of the Abattoir Hygiene Act, 1992, no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice: Provided that no further handling or processing of any such carcass shall take place in that room.

**Standards and requirements for the transport of food**

13. (1) No person shall transport food including the products referred to in section 14 on or in any part of a vehicle -

(a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;

(b) together with -

- (i) contaminated food or waste food;
- (ii) poison or any harmful substance;
- (iii) a live animal; or
- (iv) any object that may contaminate or spoil the food.

(2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid proof and dustproof sealed containers

(a) shall have an interior surface made of an easy-to-clean and smooth, rust free, non-toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimeters of the said surface shall upon analysis as referred to in section 6(4) contain more than 100 viable micro-organisms;

(b) shall be dustproof;

(c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this section, no non-prepacked food shall be-

(a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or

(b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

(4) Subsections (2) and (3) (a) shall not apply to the transport of venison, fish, mollusks or crustaceans between the food premises and the place where the animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested: Provided that such transport shall be by the best available method and within a suitable time limit for transport as required by circumstances.

**Provisions concerning unprocessed products**

14. Notwithstanding any provisions to the contrary contained in these regulations, an inspector shall, if he or she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops, or with regard to the handling of food referred to in section 15(5) (a)

(a) subject to sections made in terms of section 35 of the Act relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or

(b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulation 4(2) to (5) shall *mutatis mutandis* apply to such prohibition.

**Exemptions, additional requirements and reservations**

15. (1) A person in charge of food premises may, subject to section 3 (1) (a), apply to the council concerned for exemption from any of the provisions of these by-laws, excluding exemption from the issuing of a certificate of acceptability.

(2) Upon receipt of an application referred to in subsection (1) a local authority shall refer the application to an inspector without delay, and exemption shall not be granted unless the inspector has submitted a report to the local authority to the effect that he or she is satisfied that -

(a) the provision from which exemption is requested imposes unreasonable requirements in the case in question; and

(b) the granting of such exemption does not or will not result in conditions that constitute a health hazard.

(3) An exemption referred to in this section -

(a) shall be subject to the conditions listed by the council in the certificate of acceptability or notice of exemption, as the case may be; and

(b) shall be withdrawn by the council on the grounds of an inspection report and a recommendation by an inspector to the effect that he or she is of the opinion that such exemption will result in conditions that constitute a health hazard.

(4) Subject to section 3(6)(a) the council may, on the grounds of an inspection report and recommendations from an inspector, set additional requirements to be met on any food premises where, despite compliance with any provision contained in these regulations, a health hazard exists which is not provided for in these regulations, which additional requirements shall, subject to the principles of the best available method and good manufacturing practice, be limited to the minimum necessary to remove the health hazard in question.

(5) (a) Subject to the principles of the best available method and good manufacturing practice, the provisions of sections 3( 1 ) and 5 shall not apply in respect of the killing, bleeding or evisceration of an animal after the hunting thereof or of fish, molluscs or crustaceans after the catching or harvesting thereof.

(b) The provisions of section 3(1) shall not apply to-

(i) a private residence where food is handled for the purpose of making it available without compensation to a church, educational or amateur sports organisation or any registered welfare or fund-raising organisation for sale: Provided that the person in charge of any such organisation who receives such food shall keep a record of the type of food and the address of the private residence where the food was handled. for a period of at least 30 days after receipt of the food; and (ii) any vehicle used by the person in charge of food premises, for which a certificate of acceptability exists, to transport, display or serve prepacked food deriving from such food premises, but shall apply in respect of a vehicle used for the transport of perishable food on behalf of another person.

(c) These by-laws shall not apply to a private household which handles food for consumption by such household or, without compensation, by any other person.



## CHAPTER II

### CAFES, RESTAURANTS AND EATING HOUSES

#### Definitions

16. For the purpose of these by-laws, unless the context otherwise indicates:

"adequate", "approved", "council", "food", "handling" and "medical officer

of health" shall bear the respective meanings assigned to them in Chapter 1 of these by-laws;

"cafe", "restaurant" and "eating-house" mean premises at or in which business of a cafe, restaurant or eating-house referred to in items 20, 37 and 8 respectively of Schedule I of the Licences Ordinance, 1974 (Ordinance 19 of 1974), is conducted;

"dining area" means an area referred to in section 17 (8);

"preparing room" means a room or area referred to in section 17(2);

"premises" means premises used for the carrying on of a business of a cafe, restaurant *pr* eating-house and include\_ every part of premises. so used and also any premises used in connection with the carrying on of the said business, but, where the first mentioned premise\_ are part of a building, shall not include any other part of-the building which is not used for or in connection with the said business.

"road-house" means a cafe where meals or refreshments are provided and observed for consumption in a vehicle for which parking facilities are provided on the premises, but shall not include a drive-in cinema.

#### Requirements of Premises

17. (1) No person shall carry on the business of a cafe, restaurant or eating-house in or upon any premises unless the requirements prescribed in these by-laws are, in so far as applicable thereto, complied with.

(2) Save as otherwise provided in these by-laws, a room or area for the preparation of food or drink shall be provided in every cafe, restaurant and eating-house and such preparation room shall have a minimum floor area of 25m<sup>2</sup> and a width of not less than 3m, plus an additional floor area of:

(i) 0,4M<sup>2</sup> for every 1m<sup>2</sup> that the floor area of the dining area exceeds 40m<sup>2</sup> up to and including 200m<sup>2</sup> and thereafter;

(ii) 0,3M<sup>2</sup> for every 1m<sup>2</sup> that the dining area exceeds 200m<sup>2</sup>.

Provided that in every road-house the minimum floor area of the preparation room shall be 55M<sup>2</sup>, plus an additional floor area of 0,75m<sup>2</sup> for every 20m<sup>2</sup> that the area of the parking facilities forming part of such road-house, including driveways and passage ways, exceeds 800m<sup>2</sup>: Provided further that where the medical officer of health is satisfied that: having regard to the extent to which food is handled on the premises, a preparation room of dimensions less than the minimum dimensions required in terms of these by-laws, is adequate, he or may permit such smaller preparation room as may be necessary.

(b) Where the cooking and serving of food, but not the preparation thereof or the cleaning of utensils, is undertaken in an area of the preparation room open to the view of the patrons, the floor area of that part not open to the view of the patrons shall be at least 50% of the total minimum floor area prescribed for the preparation room.

(c) At least 50% of the floor area required for the preparation room shall be unobstructed floor space.

(3) In addition to the requirements prescribed under subsection (2), a room or area with a minimum width of 2,5m and a minimum floor area of 7M<sup>2</sup> shall be provided for the washing up of utensils and equipment: Provided that such minimum floor area in every road-house shall be 14M<sup>2</sup> or any other size as the Council may determine from time to time.

(4) The room or area referred to in subsection (3) shall be equipped with:

(a) washing-up facilities for utensils as required in terms of these bylaws and where the medical officer of health deems necessary, an approved pot washing sink;

(b) an approved table solely for the reception of soiled cutlery and crockery and the removal from such cutlery and crockery of unconsumed food.

(5) (a) The floor surface of the preparation room and the room or area referred to in subsection (3), shall be of an approved impermeable finish.

(b) The junctions between the walks and the floor of the preparation room and of the room or area referred to in subsection (3), shall be coved.

(c) where required by the Medical "Officer of Health, the floor of the preparation room and of the room or area referred to in subsection (3), shall be graded to an outside gully drained in accordance with the Council's Drainage By-laws.

(6) Where the storeroom, required in terms of these by-laws, is not in the opinion of the medical officer of health, further storeroom or area, for the storage of foodstuffs required for the normal day's usage, shall be provided to his or her satisfaction, which storeroom or area shall have a minimum floor area of 6,5M<sup>2</sup>, a height of not less than 2.6m and a width of not less than 2.2m.

(7) Where, in addition to the storeroom required in terms of these by-laws and the storeroom or area required in terms of subsection (6), the medical officer of health deems it necessary, separate facilities shall be provided to his or her satisfaction for the storage, sorting and trimming of raw vegetables and fruit.

(8) The unobstructed floor area of any area set aside on any premises for the consumption of food or drink by patrons on the premises, other than parking facilities in a road-house, shall allow for a minimum of 1,2M<sup>2</sup> for every intended patron. For the purpose of this section "unobstructed floor area" includes space occupied by tables and chairs, and, where food or drink is consumed at counters, includes the space occupied by such counters.

(9) (a) Where on any premises an area is set aside for the consumption of food" or drink by patrons on such premises, sanitary accommodation in accordance with section 19 of Chapter 4 of the Council's Public Health By-laws, shall be provided for the use of all patrons of such cafe, restaurant or eating-house.

(b) In addition to- the requirements referred to in paragraph (a), the compartments of and approaches to such sanitary accommodation -

(i) shall be provided with adequate artificial lighting and such sanitary accommodation shall: be equipped with adequate and approved hand washing facilities;

(ii) be under the direct supervision of the person in control of such cafe, restaurant or eating-house, who shall be responsible for ensuring that such accommodation is maintained in a clean and sanitary condition and in good working order;

(iii) in the opinion of the medical officer of health, be easily accessible to patrons from such cafe, restaurant or eating house.

(10) The requirements of subsections (2), (3), (5), (6) and (7), shall only apply to premises which are newly constructed or reconstructed after the date of promulgation of these by-laws: Provided that the medical officer of health may, if he is satisfied that the application of anyone or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or

person in control of unreconstructed premises or premises in existence at the time of promulgation of these by-laws, to comply with such requirements as he or she may specify and within such reasonable period stated in the notice.

### **Protective Clothing**

18. (1) All persons actually engaged in the cooking and preparation of food shall wear an approved head - dress or hair-net, which head-dress or hair-net shall be in a clean and sound condition.

(2) It shall be the duty of the person in control of any cafe, restaurant or eating-house to provide such head-dress or hair-net and ensure that such head-dress or hair-net is worn.

### **Laundry Facilities**

19. Approved laundry facilities shall be provided where the laundering of articles other than drying cloths is undertaken on the premises of any café, restaurant or eating house and, where such laundering is not so undertaken such articles shall only be laundered at a licensed laundry.

### **Approved Utensils**

20. Only approved pots, pans, crockery, cutlery and other equipment and utensils shall be used for the handling of food and drink.

### **Inspection**

21. The medical officer of health may, in order to satisfy himself that the provisions of these by-laws are being complied with:

- (a) enter the premises at all reasonable times;
- (b) examine the premises and anything thereon;
- (c) examine and question any person on the premises, or who has recently been on the premises; and
- (d) make tests and take any samples which in his or her opinion are required in connection with the performance of his or her duties in terms of these by-laws.

**Obstruction**

22. Any person who fails to give or refuses access to any officer of the Council duly authorized by these by-laws or by the Council to enter upon and inspect premises, if he or she requests entrance to such premises, or obstructs or hinders such officer in the execution of his or her duties in terms of these by-laws, or who fails or refuses to give information that he or she may lawfully be required to give to such officer, or who gives to such officer false or misleading information knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

**Offences and Penalties**

23. Any person who contravenes a provision of these by-laws or allows such a contravention to take place shall be guilty of an offence and shall upon conviction be liable for a payment of a fine not exceeding R4000-00 or a period of imprisonment not exceeding 180 days or both.

**Repeal of By-laws**

24. The by-laws listed in Schedule 1 hereto are hereby repealed.

**Short title**

25. These By-laws are called the Food handling By-laws, 2006.

**SCHEDULE 1****REPEALED BY-LAWS**

	NO. AND YEAR	TITLE	EXTENT OF REPEAL
1.	Administrator's Notice No. 470 dated 5 April 1978	Tzaneen Municipality, Phalaborwa, Municipality and Duivelskloof Municipality Adoption of Standard By-laws Relating to Cafes, Restaurants and Eating Houses.	The Whole.

**ANNEXURE A [Section 3(3)]****APPLICATION FORM OF A CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES****A. PERSON IN CHARGE**

Surname and first names of the person: \_\_\_\_\_

ID No. Number in whose name the certificate of acceptability must be issued:  
\_\_\_\_\_

ADDRESS	Postal address:	
	Residential address:	
Tel. No.:		Business
<b>B. PARTICULARS FOR FOOD PREMISES</b>		Residential
Name of food premises (if any).....		
Erf No. (if applicable).....		
Type of food premises (e.g. building, vehicle, stall).....		

Location address or address where the food premises can be inspected

If the following are not situated on the food premises, note the address or ascribe the location thereof:

- a) Sanitary (latrine) facilities
- b) Cleaning facilities (wash-basins for facilities)
- c) Hand-washing facilities
- d) Storage facilities for food/facilities.
- e) Preparation premises

Erf No.	Address

**C. FOOD CATEGORY**

List *and* describe the food items or the nature or type of food involved

**D. NATURE OF HANDLING**

List and describe what your activities will entail (e.g. preparation or packing and processing)

**E. STAFF**

Number of persons employed or to be employed: \_\_\_\_\_

Men / Women

F.

**PARTICULARS OF EXEMPTION BEING APPLIED FOR**

Section 15(1 )]

**G. PARTICULARS OF APPLICANT**

Postal address

Managing Director,	
	Tel No:
	Date of application:

Name: \_\_\_\_\_

Capacity (e.g. owner, m secretary, manager)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ANNEXURE B [Section 3(6)(a)]****CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES**

This certificate is not transferable from premises to premises.

**A. ISSUING LOCAL AUTHORITY:** \_\_\_\_\_

CERTIFICATE NO: \_\_\_\_\_

NAME (if any) .....

**OFFICIAL DATE STAMP**

	Tel No.

**OFFICIAL DATE STAMP****B. FOOD. PREMISES**

Name (if any).....

Address :(Location or trading area, Erf No. or vehicle registration No.):

Address where food is Processed:

**C. PERSON IN CHARGE**

<b>NAME</b>	
<b>1.0. NUMBER</b>	

**D. CERTIFICATION AND RESTRICTION**

It is hereby certified that the above-mentioned food premises comply with the provisions of section 5 and 6 of these food handling by-laws in respect of the handling of food in the manner specified Restrictions, conditions or stipulation in terms of section 3 (1) (b)



E. SIGNATURE OF INSPECTOR.		DATE:
Name of inspector		
Official designation		
F. ENDORSEMENTS! EXEMPTIONS In terms of section -15	DATE	SIGNATURE OF INSPECTOR

## ANNEXURE C [Section 5(3)( d)(i)]

## SANITARY CONVENIENCES

Population: The number of staff members and the maximum number of customers for whom provision is made to consume food on any premises at any time	Number of sanitary conveniences to be installed in relation to the population as given in the first column				
	Men			Women	
	Latrines	Urinal stalls*	Hand washbasins	Latrine	Hand wash basins
For a population up to					
10	1	1	1	1	1
20	1	2	2	2	2
40	2	3	2	3	3
60	3	3	2	4	4
80	4	4	3	6	5
100	4	4	3	8	6
120	5	5	4	9	7
140	5	5	4	10	8
180	5	6	5	11	8
	Add 1 latrine, 1 hand wash basin and 1 urinal for every			Add 1 latrine and 1 hand	
	70 persons in excess of 180			wash basin	
	persons			for every 35	
				persons in	
				excess of 180	
				persons	

\* Urinal stall: A single urinal basin or a urinal trough at least 60cm in length

**. ANNEXURE D [Section 8(4)]**

**FOOD TEMPERATURES.**

<b>Column 1 Category</b>	<b>Column 2 Type of food</b>	<b>Column 3 Required core temperature of food products that are stored, transported or displayed for sale</b>
Frozen products.....	Ice cream and sorbet, excluding sorbet which is used for soft serve purposes.....	-180C
	Any other food which is marketed as a frozen product. .... " ..... ..	-120C
Chilled products.....	Raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk.....	+40C
	Any other perishable food that must be kept chilled to prevent spoilage.....	+70C
Heated products.....	Any perishable food not kept frozen or chilled..	>/+650C

## ANEXURE E

[Section 8(6)]

### CODE OF PRACTICE FOR MEASURING TEMPERATURES OF FOOD

#### 1. Informing the person in charge or person responsible

The inspector shall inform the person in charge, or a person supervising the operation if the person in charge is not available, that he or she wishes to measure the temperatures of the food concerned and shall explain to him or her all the procedures contained in this code.

#### 2. Precautionary measures

(1) All procedures shall be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.

(2) In the case of prepacked food, and if it is necessary, the inspector shall remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation shall remove the packaging at his or her own risk.

(3) The temperature of food shall as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

### Measurement of temperature

#### Prepacked food

(1) If the food is prepacked, the estimated temperature of the food may be measured by placing or at least one minute the stem of a thermometer (hereinafter referred to as the "stem") between two or more food packages or, in the case of a single food package, on the outer surface of the package.

(2) If the temperature reading is not in compliance with the core temperatures specified in Annexure 0 to these regulations or if the inspector has any doubts regarding the temperature of the food inside the package, the surface or core temperature of the food may be measured to determine the actual temperature.

**Core temperature**

(3) If the food product is frozen a hole shall be drilled in the food up to the estimated core of the food product with a sterilized stainless steel bit with an external measurement of about 4mm. The sterilized stem shall be inserted into the hole up to the estimated center of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilized stem shall be inserted up to the estimated core of the food product and a reading shall be taken after one minute.

**Surface temperature**

(4) The surface temperature shall be measured by placing the sterilized stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

**4. Presumption in respect of representative temperature reading**

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.

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