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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 17 OF 2020

**MMADIBUKE**  
CONSULTING & PROJECTS**NOTICE IN TERMS OF SECTION 95 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 FOR THE TOWNSHIP ESTABLISHMENT APPLICATION.**

We, **Mmadibuke Consulting and Projects (Pty) Ltd**, being the authorised agent of the owners of Portion 19 of the Farm Aangewys 811S, Mpumalanga Province hereby gives notice in term of section 95 of the Emalahleni Spatial Planning and Local Municipality By Law, 2016 that we have applied to Emalahleni Local Municipality for the Township Establishment application.

Any Objection or Comments with grounds therefore and contact details shall be lodged within 30 days from the first date of which the notice appeared ( **APRIL 2020**) with or made in writing to P. O. BOX 3, Emalahleni Central, Mpumalanga, 1035 or an Email send to [demasml@emalahleni.gov.za](mailto:demasml@emalahleni.gov.za)

Full particulars of the application will be open for inspection during normal working hours at the above-mentioned office not later than (**APRIL 2020**)

**AUTHORISED AGENT DETAILS:** Mmadibuke Consulting and Projects (Pty) Ltd; Office No. G1, 1250 Pretorius Street, Pro Equity Court, Hatfield, 0083; Tel No (W): 012 010 0062; Email Address: [consult@mmadibuke.co.za](mailto:consult@mmadibuke.co.za)

## KENNISGEWING 17 VAN 2020



**KENNISGEWING INGEVOLGE ARTIKEL 95 VAN  
DIE EMALAHLENI RUIMTELIKE BEPLANNING EN  
GRONDGEBRUIKBESTUUR, 2016 VIR DIE  
AANSOEK OM OPSTEL VAN DORP.**

Ons, **Mmadibuke Consulting and Projects (Pty) Ltd**, synde die gemagtigde agent van die eienaars van Gedeelte 19 van die plaas Aangewys 81IS, Mpumalanga Provinsie gee hiermee ingevolge artikel 95 van die Emalahleni Ruimtelike Beplanning en Plaaslike Munisipaliteit, 2016 kennis, dat ons het aansoek gedoen by die Emalahleni Plaaslike Munisipaliteit vir die aansoek om dorpsstigting.

Enige besware of kommentaar met redes daarvoor en kontakbesonderhede moet binne 30 dae vanaf die eerste datum waarop die kennisgewing verskyn (**APRIL 2020**) ingedien word, of skriftelik gerig word aan Posbus 3, Emalahleni Central, Mpumalanga, 1035 of 'n e-pos gestuur word aan [info@mmadibuke.co.za](mailto:info@mmadibuke.co.za)

Volledige besonderhede van die aansoek sal gedurende gewone werksure by bogenoemde kantoor besigtig word, nie later nie as (**APRIL 2020**)

**GEMAGTIGDE AGENT BESONDERHEDE:** Mmadibuke Consulting and Projects (Pty) Ltd; G1, Pretoriusstraat 1250, Pro Equity Court, Hatfield, 0083; Tel No (W): 012 010 0062; E-posadres:

## NOTICE 18 OF 2020

**CHIEF ALBERT LUTHULI MUNICIPALITY**

The transparent, innovative and developmental municipality that improves the quality of life of its people

**NOTICE FOR INSPECTION OF THE GENERAL VALUATION ROLL AND LODGING OF OBJECTIONS IN TERMS OF MUNICIPAL PROPERTY RATES ACT 6 OF 2004**

- Notice is hereby given in terms of Section 49 (1)(a)(i) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the general valuation roll for the Financial Years 01 July 2020 to 30 June 2024 is open for public inspection at the Municipal Offices listed below, on Mondays to Fridays, during office hours 07:30 to 16:15 from 01 April 2020 to 01 June 2020 in:
  - Carolina Head office
  - Emanzana Municipal office
  - Elukwatini Municipal office
  - Ekulindeni Municipal office
  - Empuluzi Municipal office

In addition, the valuation roll is available at website: [www.albertluthuli.gov.za](http://www.albertluthuli.gov.za)

An invitation is hereby made in terms of section 49(1)(a)(ii) of the Act that any owner of property or other person who so desires should lodge an objection with the municipal manager in respect of any matter reflected in, or omitted from, the valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the valuation roll as such. The form for the lodging of an objection is obtainable from the listed Municipal Offices, or website [www.albertluthuli.gov.za](http://www.albertluthuli.gov.za).

The completed objection forms must be returned by hand to the Municipal Office where account is held. No form of electronic submission will be accepted. **CLOSING DATE FOR OBJECTIONS IS 16:15 ON MONDAY 01 JUNE 2020.** No late objections will be accepted.

For any queries please contact Mr Collen Dlamini Legal Manager on 017 843 4043 or email at [dlaminicf@albertluthuli.gov.za](mailto:dlaminicf@albertluthuli.gov.za).

Mr Mandla Dlamini  
Municipal Manager



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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 48 OF 2020****STEVE TSHWETE AMENDMENT SCHEME NO. 776****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

We, **Izwe Libanzi development consultants planners**, being the authorized agent of the registered owner of **erf 470 Hendrina township** hereby give notice in terms of section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Town Planning Scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at **erf 470 Hendrina township**, by rezoning the property from "**Residential 1**" to "**Residential 3**" subject to certain conditions. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the municipal manager, P.O. Box 14, Middelburg 1050 within 30 days from **20 March 2020**.

Full particulars and plans may be inspected during normal office hours at the office of the municipal manager, Steve Tshwete local municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **20 March 2020**.

APPLICANT: **IZWE LIBANZI DEVELOPMENT CONSULTANTS PLANNERS**

POSTAL ADDRESS: **P. O. BOX 114, EKANGALA, 1021, Email: [joembonani6@gmail.com](mailto:joembonani6@gmail.com)**

MOBILE: **079 764 7239 FAX: (086) 273 1398**

## PROVINSIALE KENNISGEWING 48 VAN 2020

STEVE TSHWETE WYSIGINGSKEMA NO. 776

**KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1) (A) VAN DIE RUIMTELIKE BEPLANNING EN GROND GEBRUIK WET VERONDERING, 2016.**

Ons, **Izwe Libanzi development consultants planners**, synde die gemagtigde agent van die geregistreerde eienaar van **erf 470 Hendrina dorpegebied**, gee hiermee ingevolge artikel 94(1)(a) van, die ruimtelike beplanning en grond gebruik wet verondering, 2016. kennis dat ons by Steve Tshwete plaaslike munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te **erf 470 Hendrina dorpegebied**, vanaf **“Residensiele 1”** na **“Residensiele 3”**, onderworpe aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete plaaslike munisipaliteit, munisipale gebou, Hoek van Walter Sisulu en Wandererslaan, middelburg, 1050, vir 'n tydperk van 30 dae vanaf **20 March 2020**.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **20 March 2020**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

APPLIKANT: **IZWE LIBANZI DEVELOPMENT CONSULTANTS PLANNERS**POSADRES: **P. O. BOX 114, EKANGALA 1021, E-pos: joembonani6@gmail.com**

079 764 7239, FAX: (086) 273 1398.

**SELFOON:**

20-27

## PROVINCIAL NOTICE 49 OF 2020

## STEVE TSHWETE AMENDMENT SCHEME NO. 663

**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I/we **Izwe Libanzi development consultants planners**, being the authorized agent of the registered owners of **Erf 994 Aerorand township** \_\_ hereby give notice in terms of section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Town Planning Scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at **Erf 994 Aerorand township**, by rezoning the property from “**residential 1**” to “**residential 2**” subject to certain conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the municipal manager, P.O. Box 14, Middelburg 1050 within 30 days from **20 March 2020**.

Full particulars and plans may be inspected during normal office hours at the office of the municipal manager, Steve Tshwete local municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **20 March 2020**.

Applicant: **Izwe Libanzi Development Consultants Planners**, Postal Address: **P. O. Box 114, Ekangala, 1021**, Mobile: **079 764 7239** Fax: **(086) 273 1398**, Email Address: **joembonani6@gmail.com**

## PROVINSIALE KENNISGEWING 49 VAN 2020

## STEVE TSHWETE WYSIGINGSKEMA NO. 663

**KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1) (A) VAN DIE RUIMTELIKE BEPLANNING EN GROND GEBRUIK WET VERONDERING, 2016.**

Ons, **Izwe Libanzi development consultants planners**, synde die gemagtigde agent van die geregistreerde eienaars van **Erf 994 Aerorand dorpsgebied**, gee hiermee ingevolge artikel 94(1)(a) van, die ruimtelike beplanning en grond gebruik wet verondering, 2016. kennis dat ons by Steve Tshwete plaaslike munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te **erf 994 Aerorand dorpsgebied**, vanaf “**residensiële 1**” na “**residensiële 2**”, onderworpe aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete plaaslike munisipaliteit, munisipale gebou, Hoek van Walter Sisulu en Wandererslaan, middelburg, 1050, vir 'n tydperk van 30 dae vanaf **20 March 2020**.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **20 March 2020**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Applikant: **Izwe libanzi Development Consultants Planners,**

Posadres: **P. O. Box 114, Ekangala 1021, Selfoon: 079 764 7239, Fax: (086) 273 1398.**

E-pos:joembonani6@gmail.com

## PROVINCIAL NOTICE 50 OF 2020

**STEVE TSHWETE AMENDMENT SCHEME NO. 807****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I/we **Izwe Libanzi development consultants planners**, being the authorized agent of the registered owners of **Erf 2683 Aerorand township** \_\_ hereby give notice in terms of section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Town Planning Scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at **Erf 2683 Aerorand township**, by rezoning the property from “**residential 1**” to “**residential 3**” subject to certain conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the municipal manager, P.O. Box 14, Middelburg 1050 within 30 days from **20 March 2020**.

Full particulars and plans may be inspected during normal office hours at the office of the municipal manager, Steve Tshwete local municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **20 March 2020**.

Applicant: **Izwe Libanzi Development Consultants Planners**, Postal Address: **P. O. Box 114, Ekangala, 1021**, Mobile: **079 764 7239** Fax: **(086) 273 1398**,  
Email Address: **joembonani6@gmail.com**

## PROVINSIALE KENNISGEWING 50 VAN 2020

## STEVE TSHWETE WYSIGINGSKEMA NO. 807

**KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1) (A) VAN DIE RUIMTELIKE BEPLANNING EN GROND GEBRUIK WET VERONDERING, 2016.**

Ons, **Izwe Libanzi development consultants planners**, synde die gemagtigde agent van die geregistreerde eienaars van **Erf 2683 Aerorand dorpsgebied**, gee hiermee ingevolge artikel 94(1)(a) van, die ruimtelike beplanning en grond gebruik wet verondering, 2016. kennis dat ons by Steve Tshwete plaaslike munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te **erf 2683 Aerorand dorpsgebied**, vanaf “**residensiële 1**” na “**residensiële 3**”, onderworpe aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete plaaslike munisipaliteit, munisipale gebou, Hoek van Walter Sisulu en Wandererslaan, middelburg, 1050, vir 'n tydperk van 30 dae vanaf **20 March 2020**.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **20 March 2020**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Applikant: **Izwe libanzi Development Consultants Planners,**

Posadres: **P. O. Box 114, Ekangala 1021, Selfoon: 079 764 7239, Fax: (086) 273 1398.**

E-pos:joembonani6@gmail.com

## PROVINCIAL NOTICE 52 OF 2020

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE  
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Victor Khanye local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

**Victor Khanye Local Municipality**

1. Traffic
2. Liquor Trading
3. Trading and;
4. Fire Brigade Services

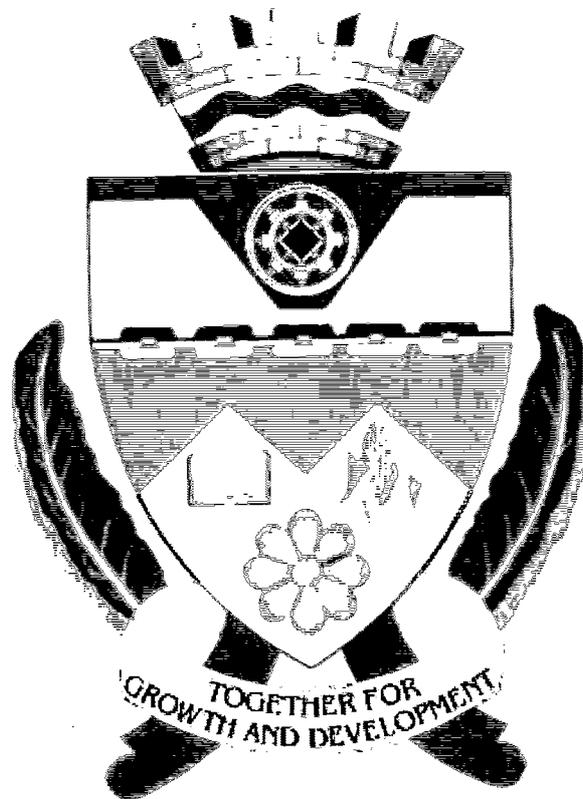
Given under my hand at Mbombela, on 6<sup>th</sup> March 2020



MR MJ MSIBI (MPL)

MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS

# ***Victor Khanye Local Municipality***



## **Liquor Trading**

### **By-law**

## VICTOR KHANYE LOCAL MUNICIPALITY BY-LAW ON LIQUOR TRADING

To provide for the control of undertakings selling liquor to the public within the Victor Khanye Local Authority in order to ensure a safe and healthy environment.

### Preamble

**WHEREAS** a Municipality has the executive authority, in terms of Section 156(1)(a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

**WHEREAS** a Municipality may, in terms of Section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** a Municipality may, in terms of Section 11(3) (m) read with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), pass by-laws;

**WHEREAS** it is the intention of the Municipality to set trading days and hours subject to certain conditions for all licensed premises, business or outlets situated within the Victor Khanye Municipality that sell liquor to the public, in terms of Section 35(2) (b) of the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

**NOW THEREFORE, BE IT ENACTED** as follows:

### 1. Definitions

(1) In this By-law, unless the context indicates otherwise;

“**Act**” Means the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

“**Agricultural areas**” means an area predominately zoned agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm, where limited provision is made for non-agricultural uses;

“**Authority**” means the Mpumalanga Liquor Authority established by Section 4 of the Act;

“**Business areas**” means an area predominantly zoned Business 1, 2 of 3 in terms of the Land Use Scheme, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

“**Industrial Area**” means an area predominantly zoned industrial that accommodate all forms of industry, but do not include noxious or hazardous trade risk activities;

“**Licensee**” means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

“**Liquor**” means liquor as defined in Section 1 of the Act;

“**Municipality**” means the Victor Khanye Local Municipality established by the Establish Notice published in Provincial Gazette;

“**micro-manufacturer**” – means micro manufacturer as defined in terms of the Act;

“motor vehicle” means a vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity, including a trailer or an agricultural or other implement designed or adapted to be drawn by such vehicle and include vehicles designed or adapted to transport passengers;

“Official” means any person authorized by the Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

“Person” means a natural person or a juristic person which may include –

- (a) a licensee or any person in charge or managing the licensed premises for the purposes of the sale of liquor;
- (b) anybody of persons corporate or unincorporated,
- (c) Any company incorporated or registered as such under any law or any village management board, or like authority.

“Place of amusement” means land used or a building designed or used for the sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall, public hall, theatre, cinema, drive-inn movie, music-hall, concert hall, sports bar, ladies bar, cocktail bar, billiard saloon, sports stadium, skating ring, dance hall, night club and an amusement park or any other recreational purpose with or without a view to profit. A Place of amusement does not include adult entertainment.

“premises” includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

“Residential area” means an area predominantly zoned Residential 1, 2 or 3 or any other equivalent zoning, with the purpose of accommodating predominantly single-families which include controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“Sell” means sell as defined in terms of the Act;

“Tariffs” is an amount annually determined by the Municipality in terms of Section 75A of the Municipal Systems Act, Act 32 of 2000

“Trading days” means the days on which liquor may be sold during trading hours;

“Trading hours” means the hours during which liquor may be sold during trading days;

“Undertaking” means a business involved with the sale of liquor to the public;

“zoned” means zoned and zoning as the case may be in terms of the applicable zoning scheme;

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning read together with the applicable Land Use Scheme Regulations and the By-Law relating to streets, public places and the Prevention and suppression of nuisances.

## 2. Purpose of By-law

The Municipality aims to regulate the hours and days during which liquor may be sold and matters related thereto.

## 3. Application for comments from the Municipality

- (1) An application for comments from the Municipality in terms of section 35(2)(b) of the Act shall be accompanied by;
  - (a) an application fee of R1500 or as subsequently approved in the municipality’s yearly tariff schedule;

- (b) A plan indicating the locality of the application premises in relation to educational institutions and places of worship situated within a radius of 300 metres from the application premises. The 300 meter radius must be measured from the centre of the main customer entrance door of the application premises;
  - (c) Comments on the application from the principal and the governing body of any educational institution, and the leadership of any place of worship, situated within a radius of 300 metres from the application premises. The educational institution and/or place of worship shall be deemed to be within the 300 meter radius if any part of the property on which the educational institution and or place of worship is situated falls within the 300 meter radius as measured in (b).
- (2) Comments may in terms of Section 35 of the Act contain terms and conditions as deemed necessary by the Municipality.
  - (3) All comments, terms and conditions provided by the Municipality in support of an application shall only be valid for the period the licence is granted, and be subject thereto that any renewal application must be resubmitted for comments to the Municipality prior to the renewal application being submitted to the Authority.

#### **4. Trading days and hours**

A licensee may sell liquor in terms of the type of licence applied for on the days and hours as set out in the schedule to this By-law

#### **5. Display of signage and other obligations of the licensee**

The licensee or person in charge must ensure that the hours of trade of the business as determined by the Municipality are prominently displayed on the outside of the business on the front door or window of the premises in characters not less than five centimetres in height , to the satisfaction of the Municipality.

#### **6. Safety and Security**

- (1) Licensees must ensure that the licensed premises meets and complies with all environmental, planning, safety laws and that the conditions imposed by the Municipality are adhered to.
- (2) The licensee or person in charge must ensure that reasonable and adequate safety and security measures are in place for the protection of the public/clients of the premises by ensuring, amongst others but not limited to, that –
  - (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;
  - (b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and any other permission granted or by-law promulgated by the Municipality; and
  - (c) There is adequate lighting on the outside of the premises where the public/clients and staff access and exit the licensed premises.

#### **7. On-consumption Liquor premises must be weapon free**

Right of admission to an on-consumption liquor premises is reserved and no weapons or sharp objects are permitted inside an on-consumption liquor premises. A safe should be available at all

times at an on-consumption liquor premises for the storage of firearms in the possession of patrons.

### **8. Nuisances**

- (1) Any person selling liquor to the public must take all reasonable steps to ensure that noise from the liquor premises remain within the walls of such liquor premises at all times.
- (2) Any person selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.
- (3) The licensee remains liable and responsible for all land pollution and littering within the liquor premises. The liquor premises must be kept clean at all times.
- (4) There shall be no loitering or littering by patrons inside or outside the liquor premises and all sales and consumption of liquor shall be confined to the liquor premises.

### **9. Provision of free drinking water**

Free drinking water, which includes tap water, must be made easily available at all on consumption liquor outlets to the patrons.

### **10. Provision of ablution facilities for patrons**

All on-consumption outlets must provide ablution facilities for each gender and cater for people with disabilities at no additional cost to the patrons.

### **11. Offences and Penalties**

- (1) Any person who contravenes or fails to comply with any – (a) provision of this By-law; (b) condition or instruction served in connection with this By-law; or (c) Written notice from an authorised official, is guilty of an offence and is liable to a fine not exceeding the amount as approved by the local Magistrate or in default of payment to any fine imposed, imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.
- (2) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.
- (3) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

### **12. Short title and commencement**

This By-law shall be called the Victor Khanye Local Municipality By-law on Liquor Trading, and shall come into operation on the date of publication thereof in the Provincial Gazette.

## SCHEDULE

**TRADING DAYS AND MAXIMUM PERMITTED TRADING HOURS**

<b>TYPE</b>	<b>DAYS</b>	<b>HOURS</b>
<b>1. Manufacturers:</b>		
All Manufacturers	7 days a week	24 hours for both macro and micro
Tasting	Monday – Sunday including Public Holidays	10:00 – 18:00
<b>2. Distribution:</b>		
Distribution	Monday – Saturday	06:00 – 18:00
	Sundays including Public Holidays	09:00 – 17:00
<b>3. Off Consumption licences:</b>		
Off-Consumption licences	Monday - Saturday	09:00 – 20:00
	Sundays including Public Holidays	09:00 – 17:00
<b>4. On Consumption (Business and Industrial areas):</b>		
Other on-consumption licences	Monday – Sunday	10:00 – 00:00
Places of Amusement	Monday – Sunday	10:00 – 06:00
<b>5. On Consumption (those in residential areas):</b>		
Other on-consumption licences	Monday – Saturday	10:00 – 21:00
	Sundays	10:00 – 17:00
Places of Amusement	Monday – Saturday	10:00 – 00:00
	Sundays	10:00 – 00:00
Accommodation Establishments	Monday – Sundays	10:00 – 00:00
<b>6. Special Events:</b>		
Business and Industrial areas	On the day of the event	10:00 – 00:00
Residential areas	On the day of the event	10:00 – 22:00

## PROVINCIAL NOTICE 53 OF 2020

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE  
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Victor Khanye local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

**Victor Khanye Local Municipality**

1. Traffic
2. Liquor Trading
3. Trading and;
4. Fire Brigade Services

Given under my hand at Mbombela, on 6<sup>th</sup> of March 2020



ME M J MSIBI (MPL)

MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS

# *Victor Khanye Local Municipality*



## Fire Brigade Services

### By-law



## **VICTOR KHANYE LOCAL MUNICIPALITY**

### **FIRE BRIGADE SERVICES BY-LAWS**

COUNCIL RESOLUTION: A028/05/2017 dated 06 June 2017

#### **By-law**

To provide for the provision and regulation of Fire Brigade Services within the jurisdictional area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Victor Khanye Local Municipality, as follows:-

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## PART I: DEFINITIONS

1. In these by-laws any word or expression to which a meaning has been assigned in the Act will have such meaning, and unless the context indicates otherwise -

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

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

**"animal"** means any animal that is kept for domestic or agricultural purposes within the area of the Council;

**"area"** means any residential area or any other area within the boundaries of the Municipality;

**"authorized officer"** means a member of the Service authorized by the Chief Fire Officer to conduct certain duties;

**"building"** includes -

- (a) any structure, whether temporary or permanent, irrespective of the materials used in 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 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 appointment"** means an identification document issued by the Chief Fire Officer to a member of the Fire Brigade Service;

**"certificate of fitness"** means a certificate contemplated in section 20 of these by-laws, which certificate has been issued by the Service and authorizes a person to occupy designated premises (which are a public building);

**"certificate of registration"** means a certificate issued by the Service in terms of section 24 of these by-laws which authorizes a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of hazardous substances;

**"Chief Fire Officer"** means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade 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" and "Chief Emergency 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, built and equipped to coordinate and control an emergency situation in or on the premises in question;

**"Council"** means the duly constituted Victor Khanye local Municipality and **Municipality** has the same meaning;

**"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;

**"designated officer"** means the person designated in terms of section 22 of the Rationalization of Local Government Affairs Act 1998, (Act No. 10 of 1998);

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

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

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

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

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

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

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

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

as contemplated in Annexure III to these by-laws;

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

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

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

**"explosive(s)"** means -

- (a) gunpowder, nitroglycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;
- (b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;
- (c) any other substance which the President may from time to time by proclamation in the *Government Gazette* declare to be an explosive;
- (d) a petrol bomb; and

- (e) any container, apparatus, instrument or article which -
- (i) contains any inflammable substance and can be used or adapted so that it can be used to cause an explosion or a fire; or
  - (ii) was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

**"extinguishing stream"** means the amount of water that the 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 includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

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

**"fire area"** means the area of jurisdiction of the Council in which provision is made for fire protection as defined in SANS 10090;

**"fire-fighting equipment"** means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant, or any other equipment used in the extinguishment of a fire;

**"fire grading"** means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 10177, Parts II to V, as amended;

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

**"fire installation"** means any water installation which conveys water solely for fire-fighting;

**"fire risk category"** means, in relation to a fire area, that area which falls into one of the following 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 due to fire occurrence and spread is likely to be high).

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

**Category C:** Residential areas of conventional construction.

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

**Category E:** Special risk areas. Individual risk areas 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, and petrochemical

plants.

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

**"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 hazardous substance" (also group dangerous goods)"** means a group of dangerous goods as contemplated in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

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

**"inspector"** means a member appointed as an inspector in terms of section 2(5) of the Explosives Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned;

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

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

**"National Building Regulations"** means the National Building Regulations made in terms of section 18 of the Act and to be read in conjunction with the National Building Standards Act 103 of 1977 as amended;

**"normative reference list"** means the list of South African National Standards (SANS), SABS specifications or codes of practice and other legislation which are contained in Annexure V to these by-laws, or other Standards not covered by the SANS standards (Preference to NFPA standards);

**"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 or trust as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively, or any executive body such as a body corporate, trust or consortium that are responsible for the land or premises;

**"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 practice or perform any physical activity;

**"public place"** means any path, street, walk-way, side-walk, park, place of rest or other place in which public has authorized or unimpeded access;

**"pyrotechnist"** means any appropriately qualified person responsible for fireworks at fireworks display;

**"rational design"** as defined in SANS 10400;

**"registered person"** means a person that is registered in accordance to regulations of the Acts pertaining to that function. In reference to the servicing of fire extinguishers a registered person means a person that is registered at the SABS and the SAQCC-Fire (South African Qualifications Certification Committee – Fire) and possesses a letter of authorization to perform the functions of servicing Firefighting equipment within the jurisdiction of the Council, which is renewed annually for each technician;

**"registered premises"** means any premises in respect of which a certificate of registration has been issued;

**"registered tradesman"** for the purposes of this by-law registered tradesman means a tradesman duly trained, certified by the South African Bureau of Standards as a competent person under SANS 1475, paid up registered member with the SAQCC-Fire and registered at the Service to operate within the municipal jurisdiction.

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

**"room"** means any room or other partitioning in a building;

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

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

**"spray"** means to spray, coat, plate or epoxy-coat with any hazardous substance and spraying has a similar meaning;

**spraying permit** means a permit issued by the Service in terms of section 49(1) of these by-laws;

**"spraying room"** means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III hazardous substances and/or combinations of Group III hazardous substances, 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 47 of these by-laws;

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

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

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

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

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

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

**PART II: ADMINISTRATIVE PROVISIONS ORGANISATION OF THE SERVICE****GENERAL**

2. (1) The Council may, subject to section 3(3) of the Act, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for -
- (a) preventing the outbreak or spread of a fire;
  - (b) fighting or extinguishing a fire;
  - (c) the protection of life or property against a fire or other threatening danger;
  - (d) the rescue of life or property from a fire or other threatening danger;
  - (e) subject to the provisions of the Health Act, 1977 (Act 63 of 1977), the provision of an ambulance service as an integral part of the Service; or
  - (f) the performance of any other function connected with any of the matters referred to in subsection (1)(a) to (e).
- (2) (a) The Chief Fire Officer, who is appointed by the controlling authority as contemplated in section 5 of the Act, is in charge of the Service.
- (b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member of the Service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (3) From time to time, as required, the Service may be subdivided into specific subdivisions as recommended by the Chief Fire Officer and approved by the Council.
- (4) The Council may, in terms of an agreement as contemplated in section 12 of the Act, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Mpumalanga, against payment of the tariffs determined in Annexure I to these by-laws, or against payment in terms of or on the conditions contained in the Agreement concerned.

**DRIVING FIRE BRIGADE VEHICLES**

3. (1) Any member of the Service may, with the written authority of the Chief Fire Officer, drive a fire brigade vehicle if he/she has the applicable driving license for the vehicle in question as required by the National Road Traffic Act, 1996 (Act 93 of 1996).

- (2) A member of the Service who is duly authorized to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996 (Act 93 of 1996), and any regulations made under the Act.
- (3) Any member who fails to comply with the provisions of this section is guilty of an offence.

#### **PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION**

4. (1) The Chief Fire Officer or a member of the Service who is in charge of an emergency situation must ensure that -
  - (a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
  - (b) the emergency situation is assessed on arrival and that additional equipment and/or assistance is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2(4) of these by-laws; and
  - (c) all pertinent information, including 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 that act.
- (2) All persons and/or bodies, including any State Department as contemplated in section 17 of the Act, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation shall be done by the Chief Fire Officer and must be in accordance with the policy guidelines determined by the Chief Fire Officer and approved by the Council.

#### **PRETENDING TO BE A MEMBER OF THE FIRE BRIGADE SERVICE**

5. (1) No person, except a member of the Service, may wear any official clothing, uniform, protective clothing, badge or insignia of the Service.
- (2) No person may falsely represent himself/herself as a member of the Service or pretend to be a member of the Service.
- (3) Any person who so pretends to be or represents himself/herself as a member 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.

#### **POWERS OF MEMBERS AND DESIGNATED OFFICERS**

6. (1) Every member of the Service, including the Chief Fire Officer, has all the powers provided for in the Act.
- (2) Any member of the Service may -
- (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorized changes have been made to the document;
  - (b) Institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be; and
  - (c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Act, made in accordance with the following conditions:
    - (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
    - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
    - (iii) After an order issued in terms of the Act, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Act, has been instituted and finalized, as the case may be, any object seized must be returned to the person from whose possession it was taken, unless otherwise ordered by a court.
- (3) Any member of the Service including the Chief Fire Officer may seal off any building or premises by temporarily closing a street, passage or place which he/she or they deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion, and the member of the Service including

the Chief Fire Officer 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 to do so.

- (4) Designated Members of the Service must be -
- (a) suitably trained and certified as law enforcement officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
  - (b) appointed as deputy messengers of the court in terms of section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944);
  - (c) appointed as inspectors of explosives in terms of section 2(5) of the Explosives Act, 1956, (Act 26 of 1956) regarding the storage, sale and use of fireworks, and all members have the power -
    - (i) in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
    - (ii) in terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
    - (iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
    - (iv) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorized to do so; and
    - (v) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

**MAKING FIRE BRIGADE EQUIPMENT AND MANPOWER AVAILABLE**

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

**PART III : FIRE PROTECTION AND FIRE-FIGHTING****COMBUSTIBLE MATERIALS AND REFUSE**

8. (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) No person may cause or allow to be caused, any combustible materials, including grass, weeds, shrubs, trees or any like vegetation to be discarded or dumped in any open veld, empty erven or any other place other than an approved solid waste disposal site or authorized/licensed disposal site without written authorization thereto by the land owner, stating the purpose of the authorization.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

**MAKING FIRES**

9. (1) No person may, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place, including any street, street curb, pavement or thoroughfare where public normally moves 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, provided all precautions have been taken to ensure the fire cannot spread or become uncontrollable; 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 Chief Fire Officer, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **FIRE OUTBREAK PREVENTION / FIREBREAKS**

*Chapters 4 and 5 of the National Veld- and Forest Fire Act (Act 101 of 1998)(NVFFA) must be read with the provisions within this section. Chapter 4 places the duty on owners to prepare and maintain fire breaks. Chapter 5 places a duty on all land owners to acquire equipment and have available personnel to fight fires. The responsibility therefore rest on the land owner to ensure that they respond to fire incidents on their property firstly, and not leave any fire to burn unattended. Chapters 4 and 5 are therefore applicable to the area in its whole directly under the referred Act.*

- 10. (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of -
  - (a) an erf, stand or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by -
    - (i) cutting any grass, reeds and/or weeds, which may reasonably be connected with the fire hazard to a maximum height of 150 mm above ground level;
    - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
    - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
    - (iv) removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed; and
  - (b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so

that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5 m belt, a 5 m belt is also maintained around those obstructions.

- (3) Whenever any person intends to clear a safety fire belt referred to in subsection (2)(b) by burning the belt or to conduct any burning operation (including, but not limited to block burns, burning of road reserves, burning of harvested land or burning accumulated combustible garden refuse, on any property, that person must –
  - (a) Apply to the Service in writing to do so, with specific reference to the proposed date and time of the planned fire within fourteen (14) days from the intended date; and
  - (b) Obtain, prior to the submission of the written application permission, in writing from all adjoining premises owners, indicating whether they have or have no objection to the burning of the safety fire belt, at least two weeks before the intended burning takes place;
  - (c) Ensure that a firebreak/burn permit is obtained for the proposed work;
  - (d) Ensure that prescribed measures and equipment and manpower are available on the day of the intended burning operation to prevent the operation to become out of control and spread. In the event of such measures not being met, request the Service to provide assistance against payment of the tariffs determined in Annexure I to these by-laws.
- (4) The provisions of subsection (3)(c) applies to any and all burning operations within the area with no exceptions.
- (5) The Fire Department in conjunction with the Delmas Fire Protection Association and Disaster Management may issue fire prohibition notices in order to regulate prescriptions related to the burning of fire breaks and burning operations and may determine dates when fire prohibitions shall be enforced.
- (6) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations thereunder, apply *mutatis mutandis* to the application of this section.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

**INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS**

11. (1) (a) Any member of the Service so designated may, in executing the powers in terms of section 8 of the Act and any other powers and functions 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 or hazardous condition on the premises which –
- (i) is likely to cause or exacerbate fire hazards; or
  - (ii) may, in particular, jeopardize or render less effective the escape to safety of any human being or animal; or
  - (iii) may obstruct or is likely to obstruct the activities of the Service during an emergency situation.
- (b) Any member of the Service may enter any premises at any reasonable time to inspect any fire extinguishing equipment or relevant service installation on or belonging to the premises.
- (2) A designated officer of the Service may, arising from a condition referred to in subsection (1) above, 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, and determine a deadline for compliance with the instructions, directives and requirements.
- (3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else 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 concerned must, after receiving the rectification directives referred to in subsection (2) above, 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 for approval.
- (b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

**ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT AND EMERGENCY EXITS**

12. (1) Fire-fighting equipment and the appropriate service installations must be installed so as to be readily accessible at all times.
- (2) Any escape door and/or access door must be fitted with hinges that open in the direction of escape, and have a locking device approved by the Service.
- (3) Any door in a feeder route must be a double swing type and not have any locking mechanism: Provided that where it is necessary to lock the door for security reasons, an alternative means of escape, approved by the Service, must be provided.
- (4) Any person who –
- (i) in whatever way, causes or permits fire-fighting equipment and the appropriate service installations not to be readily accessible is guilty of an offence.
  - (ii) causes or permits an escape route to become less effective or to become obstructed in a way that obstructs or hinders the escape of a human being or animal from a building during an emergency situation; or
  - (iii) fails to comply with the provisions of this section,

Is guilty of an offense.

**FIRE PROTECTION REQUIREMENTS FOR PREMISES**

13. (1) In addition to any other provisions contained in these by-laws, the National Building Regulations, published under Government Notice R2484 of 26 October 1990 (SABS 0400:1990), as amended and published under Government Notice R574 of 30 May 2008 (in its newest version), which are contained in SANS 10400 Standard, and called "The Application of the National Building Regulations", and any additional building regulations or Building Codes published for application in the area, are, for the purposes of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) The owner of a building must make provision in that building for the drainage of superfluous water during fire extinguishing activities, in any manner other than –
- (a) Down any stairwell;
  - (b) Down any lift shaft;
  - (c) Down any electrical shaft and/or telecommunications service shaft;
  - (d) Along any approach to a building or any vehicle access ramps leading to and/or from a building; or

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

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

- (3) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.
- (4) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that -
  - (a) the access to the transformer room(s) is situated on the outside of the building; and
  - (b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (5) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SANS 10087, Part III; and SANS 10089, Part I, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 10287 for automatic sprinkler installations and in consultation with the Service.
- (6) Any person who fails to comply with any of the provisions of subsections (2), (3), (4) and (5) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 10400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

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

14. (1) All premises in the area must be planned, designed and constructed so as to ensure that -
  - (a) at least one elevation of a building fronts on a street;
  - (b) provision is made (in addition to the street reserve) on the premises for the parking and operating of Fire Brigade appliances and/or equipment on a climate-proof and weatherproof parking surface that is at least 10m wide and runs the full length of the side elevation which borders the surface, and the carrying capacity of the surface must be at least 70 metric tons;
  - (b) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the Fire Brigade appliances 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 dwelling,

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 3,5 m.

- (2) (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 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.

#### **UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT**

15. (1) The owner of any premises must ensure that -
  - (a) all fire extinguishing equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person approved by the SABS as contemplated in SANS 1475 and registered in terms of SANS 1475, and are registered with the fire brigade;
  - (b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;
  - (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 tradesman who are in possession of an up to date approval certificate from the Service indicating that the registered tradesman have been assessed by the Service and found to be in compliance to date, at least every twelve-calendar months.
  - (e) Any firefighting equipment and associated symbolic safety signs installed shall be SABS-approved equipment and signage.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must -
  - (a) on completing the work, certify by issuing to the owner of the premises, that the service installation is fully functional; and

- (b) notify the Chief Fire Officer immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submit the record to the Chief Fire Officer every twelve months upon request by a designated member.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **EXTRACTOR FAN SYSTEMS**

- 16. (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) above, 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) above, must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **RATIONAL DESIGNS**

- 17. (1) The construction, design and/or erection of -
  - (a) hangars;
  - (b) helipads;
  - (c) grain silos;
  - (d) atriums;
  - (e) air traffic control towers;
  - (f) towers for communications or other uses;
  - (g) military structures or buildings;
  - (h) thatched structures larger than 20 m<sup>2</sup> and/or situated within 4,5 m of any boundary line;
  - (i) tents and any other temporary structures for holding public

gatherings;

- (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds 45 m; and
- (k) any other structure or building identified at the discretion of the Chief Fire Officer,

in the area must comply with an acceptable rational design, submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of functional Regulation T1(1) of the National Building Regulations, as amended.

- (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 channeling of any liquid to a drainage area which is effectively connected to a separator well;
  - (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
  - (d) earthing devices for discharging static electricity.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **DUMPING SITES**

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

#### **EMERGENCY EVACUATION PLANS**

- 19. (1) The owner or occupier of designated premises must -
  - (a) within 30 days after the premises have been designated by the Chief Fire Officer, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Chief Fire Officer, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;

- (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
  - (c) ensure that -
    - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
    - (ii) updated records of revised emergency 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.
- (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) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS**

20. (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 Chief Fire Officer for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the

design guidelines appear in Annexure II to these by-laws).

- (2) No certificate of fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable:
  - (a) The trade name and street address of each occupier
  - (b) The type of activity of each occupier
  - (c) The name of the 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
  - (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 fitness is not required for a public building which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Chief Fire Officer immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the Council -
  - (a) is in possession of a set of plans referred to in section 23 of these by-laws and approved by the Chief Fire Officer; and
  - (b) has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (8) (a) Any expansion or removal of or change in anything relating to or

- in connection with premises for which a certificate of fitness has been issued will result *ipso facto* in the cancellation of the certificate of fitness, including any other authorization granted in terms of these by-laws.
- (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plans of the premises in question for the 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 not exceeding five years. All other erf, stand or premises shall be issued with a certificate with validity not exceeding one calendar year.
- (d) Where an occupancy of a building changes, the owner shall inform the Chief Fire Officer, immediately and in writing of such change in occupancy and a new application for a certificate of fitness shall be applied for according to the new occupancy in accordance to subsection (8) above.
- (10) Where so required by the Chief Fire Officer the attendance of the Service shall be provided for.
- (11) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

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

21. (1) Every person who develops or redevelops a township must;
- (a) Design and develop that township with a sufficient water supply for purposes of firefighting by members of the Service as specified in:
- i. SANS 10090 (Community Protection against Fire),
  - ii. SANS 1200,
  - iii. The Red Book (guidelines for Human settlement planning and design)
- (b) Ensure that the position of all fire hydrants are plotted on a plan for operational use by the Service,
- (c) Space all fire hydrants in accordance with SANS 10090 and the Red Book's specifications,
- (d) In the event of any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, adapt the

- water reticulation accordingly without delay,
- (2) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes:
- (a) Double supply mains from the supply source to the distribution reservoirs and double pumps for delivery of the water supply: Provided that if the system has more than one reservoir and the reservoirs are supplied with water via separate supply mains and pumps, the mains and pumps may be regarded as double if the reservoirs are connected to each other.
  - (b) The water supply from reservoirs must be reticulated so as to ensure that the supply to the same area can be provided from more than one direction.
  - (c) The storage capacity of reservoirs and the rate of replenishment must be taken into account when calculating the water supply potential of that particular area.
- (3) The extinguishing stream and the duration of the stream must at least be equivalent to the requirements set out below for the various risk categories: Provided that the stream may be regarded as the total simultaneous delivery from all fire hydrants within a radius of 270 m of any of the hydrants.

**REQUIRED EXTINGUISHING STREAM  
PER FIRE RISK CATEGORY**

1	2	3
FIRE RISK CATEGORY	EXTINGUISHING STREAM (LITRES PER MINUTE) (MINIMUM)	DURATION OF STREAM (HOURS) (MINIMUM)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

- (4) The required extinguishing stream must be available to the fire-fighting team immediately on arrival at a fire or any other emergency situation.
- (5) Direct liaison between the Service and the Chief Engineer: Water Supply of the controlling authority is required to enable the Chief Engineer to increase the water supply to the emergency situation if an emergency situation occurs during peak times for domestic water consumption or if there is any other factor that may contribute to a diminished water supply.
- (6) (a) The minimum stream from each fire hydrant and the maximum distance between fire hydrants for the various risk areas are, subject to subsection (5)(b), as follows:

**STREET FIRE HYDRANTS: DELIVERY AND DISTANCES**

1	2	3
<b>FIRE RISK CATEGORY</b>	<b>REQUIRED DELIVERY FROM EACH FIRE HYDRANT, MEASURED DURING COMMUNITY'S PEAK CONSUMPTION (LITRES PER MINUTE)</b>	<b>MAXIMUM DISTANCE BETWEEN FIRE HYDRANTS IN ALL TRAFFIC ROUTES (METRES)</b>
High risk	1 600	120
Moderate risk	1 150	180
Low risk	900	240

- (b) Even if a street or road is shorter than provided for in the above table, a fire hydrant must be placed in the road or street reserve in question, after consultation with the Service.
- (7) Fire hydrants must be inspected by the Service at least once a year, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the provisions of subsection (5).
- (8) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (9) The distribution system must be equipped with control valves positioned so that, if the pipe system (excluding the branches) is damaged or needs to be repaired, it will not be necessary to close off a branch or a portion of any pipe for more than 150 m in high-risk areas or more than 300 m in moderate- and low-risk areas.
- (10) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay.
- (11) Any building developer who requires a water connection to the water reticulation system of the Council must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure II to these by-laws, from the Service for submission to the Council: Provided that –
- (a) if the premises are protected by a sprinkler installation, a water connection 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 connection must be calculated in advance by the engineer responsible;
- (b) if the Service requires a larger water connection 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 connection; and

- (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (11)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SABS 0252, Part 1.

#### **REGISTRATION APPLICATIONS FOR EXISTING PREMISES**

- 22. (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing public building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until –
  - (a) the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
  - (b) the Building Control Officer and the Chief Fire Officer have approved the plan.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **REGULATION OF FIREWORKS**

- 23. (1) No person may deal in fireworks unless-
  - (a) That person holds the required license to deal in fireworks in terms of the Explosives Act; **and**
  - (b) Has the written authority from the Chief Fire Officer
- (2) Any person who wishes to obtain a written authority from the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) must-
  - (a) Obtain and complete an application form obtained from the Chief Explosives Inspectorate, and follow the instructions contemplated within the application process.
  - (b) After completion of obtaining the required license to deal in fireworks, obtain and complete an application in the form and manner determined by the Chief Fire Officer to deal in fireworks within the area applied for; and
  - (c) Submit the application form to the Chief Fire Officer together

with certified copies of dealer in fireworks license and any other required documentation as may be required by the Chief Fire Officer.

- (3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of the Explosives Act or of this By-law.
- (4) No person may deal in fireworks on any street, from any vehicle or in any building, unless it is a building for which a license to deal in fireworks have been issued in terms of the Explosives Act (Act 26 of 1956).
- (5) The Council may designate on recommendation from the Chief Fire Officer, any public place within its area of jurisdiction as the only place which fireworks may be discharged from after consultative sessions were held with neighboring land owners and their consent was received.
- (6) The Council may, on application of the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, and with the recommendation from the Chief Fire Officer, designate such private open space as a place where fireworks may be discharged, provided such open area complies with any provisions of the Explosives Act (Act 26 of 1956).
- (7) The designation and authorization of such open spaces as contemplated in subsection (5) and (6) must be published in terms of the municipal communications strategy, at least two months before the date of discharge.
- (8) The Council may impose conditions as to the dates on which, periods, or time and hours when discharge of fireworks may take place on any designated area and may further impose conditions as to the type of allowed fireworks and manner of discharge.
- (9) The Council may restrict the sale of certain types of fireworks and such must be published in terms of the municipal communications strategy.
- (10) No person may discharge any fireworks outside an area designated by the municipality in terms of section (6).
- (11) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorization by completing an application in the form and the manner determined by the Chief Fire Officer together with the prescribed fee and a sketch plan of the proposed venue for the fireworks display, including the determined area for the discharge and fallout of the fireworks.
- (12) The Chief Fire Officer may impose additional requirements to ensure public safety as may be required.

- (13) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.
- (14) A member of the service including the Chief Fire Officer and any member of the Police may take into his/her possession any fireworks found to be in contravention of this Section and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedures Act relating to seizure, safekeeping and/or disposal.
- (15) Notwithstanding the above, the provisions of Chapters 9 and 10 of the regulations under the Explosives Act (26 of 2956), apply *mutatis mutandis* to the application of this section.
- (16) No person may discharge any fireworks;-
- i. Within 500 meters of any explosives magazine, explosives factory, petroleum depot, or gas vessel;
  - ii. In any building or any public thoroughfare or within any residential area; or
  - iii. On any public place or resort, except with the prior written permission of the Chief Fire Officer.
- (17) A person who fails to comply with any condition imposed in terms of subsection (1) – (15) commits an offence.

**PART IV: HAZARDOUS SUBSTANCES****APPLICATION FOR APPROVAL OF PLANS**

24. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, 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 hazardous substances or erected in connection with such use, storage or handling, must submit plans in triplicate to the Council on the prescribed form obtainable from the office of the Building Control Officer.
- (2) Every application for the approval of a plan in respect of premises for which a certificate of registration and/or spraying permit is required must be accompanied by a set of plans in triplicate, which plans must include the following:
- (a) Site plans on a scale of 1:500 on which the following is indicated concerning the premises:
- (i) The Erf number
  - (ii) The street(s) on which the premises border and the street number
  - (iii) The adjacent erven and the Erf numbers
  - (iv) The suburb in which the premises are situated
  - (v) The north point
  - (vi) Any relevant information with regard to building lines and servitudes declared under the town-planning scheme in question.
- (b) Detailed layout and elevation drawings in triplicate on a scale of 1:100 or 1:50, as the case may be, on which the following particulars are indicated:
- (i) Adjacent buildings or structures, or buildings or structures above or below the ground
  - (ii) The inside and outside dimensions (expressed as figures) of any room, building, structure or gas installation, or of any tank in which hazardous substances are stored, used or handled
  - (iii) The position of fire-fighting equipment and/or any other applicable service installations, as the case may be

- (iv) A full description of the materials of which such room, building, structure, gas installation or storage tank has been or is to be constructed or has been or is to be enclosed, as the case may be
- (v) The locality on the site of any pump, storage tank (whether above or below the ground), storeroom, pipeline (whether above or below the ground), gas installation, storage area, filling area, spraying room or spraying booth
- (vi) Mechanical ventilation equipment, with specific reference to the inlets and outlets
- (vii) Any electrical devices in terms of subsection (2)(b)(vi)
- (viii) The position of any main sewer pipes on the premises
- (ix) Fire installation diagrams

(c) **All plans must –**

- (i) Be signed by the owner of the premises or the person authorized to do so by him/her; and
- (ii) Be coloured as follows:

New masonry	Red
New concrete	Green
New iron or steel	Blue
New wood	Yellow
New Glass	Black
All existing materials	Grey

NB: All other new materials must be clearly indicated in colours other than those stipulated above.

**Colours for site plans:**

Proposed work on site plan	Red
Existing work	Not coloured
Work to be demolished	Black dotted lines
Main sewer pipes	Brown
Storm water drains	Not coloured

- (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 Council and positive

comment has been given by the Chief Fire Officer. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.

- (5) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
- (6) The approval of any plan by the Council will be null and void if, within one year of the date of such approval, the buildings or constructions have not been erected in accordance with the approved plans.
- (7) 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.

#### **ISSUING OF CERTIFICATES OF REGISTRATION**

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

**Group I: Explosives**

1.1	Fireworks	No exemption
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**Group II: Gases**

2.1	Flammable gases	Total cylinder capacity may not exceed 113 liters or 48Kg
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2.2	Non-flammable gases	Total cylinder capacity may not exceed 333 Kg
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2.3	Toxic gases	No exemption
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**Group III: Flammable liquids**

3.1	With flash points $\geq 18$ °C	Total quantity may not exceed 100 liter
3.2	With flash points $> 18$ °C but $\leq 23$ °C	Total quantity may not exceed 420 liter
3.3	With flash points $> 23$ °C but $\leq 61$ °C	Total quantity may not exceed 1 100 liter
3.4	With flash points $> 61$ °C but $\leq 100$ °C	Total quantity may not exceed 1 100 liter

**Group IV: Flammable solids**

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

**Group V: Oxidizing agents and organic peroxides**

5.1	Oxidizing agents	Total quantity may not exceed 200 Kg
5.2	Group I organic	No exemption peroxides in packets
5.3	Group II organic	Total quantity may not peroxides in packets exceed 200 Kg

**Group VI: Toxic/infective substances**

6.1	Group I toxic substances	Total quantity may not in packets exceed 5 Kg
6.2	Group II toxic substances	Total quantity may not in packets exceed 50 Kg
6.3	Group III toxic substances	Total quantity may not in packets exceed 500 Kg
6.4	Infective substances	No exemption

**Group VII: Radioactive materials**

No exemption

**Group VIII: Corrosive/caustic substances**

8.1	Group I acids in packets	Total quantity may not exceed 50 Kg
8.2	Group II acids in packets	Total quantity may not exceed 200 Kg
8.3	Group III acids in packets	Total quantity may not exceed 1 000 Kg
8.4	Group I alkaline	Total quantity of substances in packets may not exceed 50 Kg
8.5	Group II alkaline	Total quantity of substances in packets may not exceed 200 Kg
8.6	Group III alkaline	Total quantity of substances in packets may not exceed 1 000 Kg

**Group IX: Miscellaneous substances**

9.1	Liquids	Total quantity may not exceed 210 liter
9.2	Solids	Total quantity may not exceed 210 Kg

- (2) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the hazardous substances are stored, used or handled in such place or in such manner as to ensure that -
- (a) no hazardous substance or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the hazardous substance or fumes to catch fire; and
  - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle hazardous substances, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes 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) Hazardous substances may be stored on unregistered premises only if the hazardous substances are within the minimum amounts as depicted in subsection (1) and when not in use, stored in strong, labeled containers that seal tightly.
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate -
  - (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
  - (b) must be maintained in a legible condition at all times;
  - (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
  - (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
  - (e) must reflect the number of storerooms and the total capacity of each storeroom;
  - (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
  - (g) must specify the number of storage facilities for other hazardous substances, and reflect the volumes intended for each facility;
  - (h) must reflect a serial number;
  - (i) must indicate whether the issue of such certificate is permanent or temporary;
  - (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will 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) will not be 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 Chief Fire Officer is in possession of a set of approved plans as required by section 24 of these by-laws; and
- (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7)
  - (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
  - (b) The Chief Fire Officer 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 Chief Fire Officer for amendment.
- (8) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution and/or penalties.
- (9) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (10) Any person who fails to comply with the 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.

**SUPPLY OF HAZARDOUS SUBSTANCES**

26. (1) No person may -
- (a) supply more hazardous substances than the quantities referred to in section 25(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
  - (b) deliver or supply more hazardous substances than the quantity specified in the applicable certificate of registration or hazardous substances of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

**EXEMPTIONS**

27. (1) Notwithstanding anything to the contrary in these by-laws -
- (a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
  - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 100 liter and the fuel tank is surrounded by a liquid-proof bund wall (retaining wall) filled with -
    - (i) granite ballast with a nominal diameter of at least 40mm; or
    - (ii) quartzite ballast with a nominal diameter of at least 50mm:Provided further that the banded area must, volumetrically be capable of containing the maximum proposed quantity of liquid of the storage tank, plus 10% of the volume of the tank.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

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

28. (1) Any holder of a certificate of registration or spraying permit must, before the first working day of the month preceding the date of expiry of the current certificate or permit of each year, submit an application for renewal of the certificate or permit to the Chief Fire Officer on the prescribed form, which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Chief Fire Officer may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

**TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES**

29. (1) The Chief Fire Officer may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in section 25(1) of these by-laws: Provided that –
- (a) if the hazardous substances are required -
- (i) for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 liter; and
- (ii) for, or in connection with bona fide small fleet maintenance, retail trade or research purposes, the quantity must be limited to 4 400 liter; and
- (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 24 of these by-laws; and
- (2) Any person whose application for a temporary storage tank is approved must ensure that -
- (a) the storage tank is surrounded by a liquid-proof bund (retaining) wall, filled with -
- (i) granite ballast with a nominal diameter of at least 40mm; or
- (ii) quartzite ballast with a nominal diameter of at least 50mm:

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

- (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
  - (c) the storage tank is not erected within 5 meter of any Erf boundary, building, excavation, road and/or driveway;
  - (d) no source of ignition or potential ignition is brought within 5 meter of the storage tank;
  - (e) symbolic signs prohibiting smoking, open flames and use of cellphones, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
- (a) a minimum of two 9kg dry chemical powder fire extinguishers are installed within 10 meter of the temporary installation.
  - (b) An approved fire hose reel with a minimum delivery of 0,5 liter per second at a work pressure of 300kPa is installed for cooling-off purposes on research, retail trade and small fleet maintenance premises.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **DELIVERY OF HAZARDOUS SUBSTANCES**

30. (1) Any person delivering hazardous substances to any supplier or user –
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
  - (b) may not, while delivering, let any delivery hose 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 powder fire extinguisher is ready at all times;
  - (d) must ensure that, during the transferal of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
  - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
  - (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the

specific purpose and is in a safe and good working condition.

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

#### **PROHIBITION OF CERTAIN ACTIONS**

31. (1) Any person who stores, uses or handles hazardous substances 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 or permit any act or action to be 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 hazardous substance in or spill any hazardous substance into any borehole, pit, trench, ditch, sewer, drain system or surface water, or permit any hazardous substance to be dumped in or spilled into any borehole, pit, trench, ditch, sewer, drain system or surface water.
- (3) No person may discard hazardous substances in any manner other than by having the substances removed or permitting the substances to be removed by an organization, which is fully equipped to do so.
- (4) No person may light, bring or use any braai fire or anything else that produces or is capable of producing an open flame, within 5 meter of any area where, to his/her knowledge, hazardous substances are stored, used or handled, or permit the fire to be lit, brought or used within 5 meter of such area.
- (5) No person may use any device in connection with hazardous substances in any basement level in a building, excluding a gas

welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.

- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or transport any hazardous substances in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) No person may smoke or allow any occupant to smoke within a vehicle while the fuel tank is filled, or while stationary on the forecourt of a filling station.
- (8) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **"NO SMOKING" SIGNS**

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

#### **FIRE-FIGHTING EQUIPMENT AND MITIGATING AGENTS**

33. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 25 of these by-laws and/or spraying permit in terms of section 49(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 1910 (dry chemical powder, foam and water types) and SANS 1571 (transportable rechargeable type), of a minimum capacity of 9 kg or 9 liter, as the case may be, in a ratio of one fire extinguisher to every 100 m<sup>2</sup> or part of it: Provided that the Chief Fire Officer may specify the type of fire extinguisher to be provided and, if the Chief Fire Officer is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Chief Fire Officer 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 (fire hose reels), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0,5 liter per second at a work pressure of 300 kPa;
  - (c) fire hydrants, with couplings as specified in SANS 1128, Part II (Firefighting equipment – Hose couplings), and similar to those in use by the Service, in a ratio of at least one to every 1 000 m<sup>2</sup> or part of it; and
  - (d) approved sprinkler systems in accordance with SANS 10087, SANS 10089, 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 Chief Fire Officer.
  - (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by SABS-approved symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Chief Fire Officer.
  - (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

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

- 34. (1) The occupier of any premises must immediately report any fire, accident or dumping involving hazardous substances on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **SAMPLING**

- 35. (1) Whenever a member of the Service inspects any premises and suspects that a substance on the premises is hazardous, the member may take a sample of any relevant substance for analysis: Provided that -
  - (a) any sample so taken must be taken in the presence of the owner, occupier or any other third party;
  - (b) any sample must be divided into two equal parts and be sealed in similar containers with the following information on the containers:
    - (i) The address and the location of the premises

- (ii) The trade name of the premises or concern
  - (iii) The name and signature of the persons who are present, as contemplated in subsection (1)(a)
  - (iv) The date on which and time at which the sample was taken
  - (v) A description of the exact location on the premises where the sample was taken; and
- (c) any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the Chief Fire Officer 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 Chief Fire Officer may consider and/or deem necessary, as the case may be.

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

36. (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 38 of these by-laws, remove the tank or device or have the tank or device removed, or fill up the tank with matter as provided for in SANS 10089-3
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE**

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

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

38. (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 Chief Fire Officer of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made in a manner recommended by the Chief Fire Officer.

- (2) Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever -
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
  - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
  - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 24 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance with the provisions of **PART IV: HAZARDOUS SUBSTANCES**, of these by-laws.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

**GROUP I HAZARDOUS SUBSTANCES**

39. (1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232 and 0263, the Explosives Act, 2003 (Act 15 of 2003), and the Hazardous Substances Act, 1973 (Act 15 of 1973), and any regulations made under these Acts, as the case may be.
- (2) (a) No person may use or explode any Group I hazardous substance within the area unless the Chief Fire Officer has been notified of this in writing at least 24 hours prior to its commencement.
- (b) The Chief Fire Officer may impose any fire protection measures he/she deems necessary according to the circumstances in question.
- (3) Only registered mining activities regulated under the Mines and Works Act (1956), (Act 27 of 1956)

**GROUP II HAZARDOUS SUBSTANCES****Portable Containers**

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

**Bulk Containers**

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

### Manifold Installations

- (5) (a) No Group II Hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 37 liter 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 capable of furnishing the Chief Fire Officer with scientifically based proof that there is sufficient natural ventilation from the room to the outdoors to ensure that any gas concentration in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralized as not to be within the recognized explosive limits for the gas;
- (c) Any person who furnishes proof, as contemplated in subsection (5)(b), must;
- (i) be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
- (ii) provide scientifically based detailed calculations and tests must be the basis of such proof.
- (d) The design and construction of any liquefied petroleum gas manifolds shall comply with the provisions of SANS 10087-1
- (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 40(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 requirements 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 Hazardous substance, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 24, 25, 29, 30 and 32 of these by-laws.

### **Underground Pipelines**

- (9) Any underground pipeline for a Group II Hazardous substance must comply with the following requirements:
  - (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 liter 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 consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognized standard approved by the Chief Fire Officer.
  - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the Council and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

**GROUP III HAZARDOUS SUBSTANCES****Tank Manufacture**

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

**Installation Of Storage Tanks**

42. (1) Any storage tank for Group III Hazardous substances must be installed in accordance with the provisions of SANS 10400; SANS 10089, Parts I, II and III; SANS 10131, Parts I, II and III; SANS 10108 and SANS 10086, as the case may be: Provided that -
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
- (b) all pumps and filling devices installed indoors must be in purpose-built installations on registered premises;
- (c) all installations, as contemplated in subsection (1)(a) and (b), 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
- (d) all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in section 28 of these by-laws.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **PART V: CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS**

### **Construction Of Vehicles For Groups I, Ii, Iii, Iv, V, Vi, Vii, Viii And Ix Hazardous Substances**

43. (1) Any road tanker for the transportation of Groups II, III, V, VI, VIII and IX Hazardous substances must be constructed and maintained in accordance with the provisions of SANS 0189, SANS 1398 and SANS 0233, as the case may be, and must be labelled in accordance with the provisions of SANS 0232, the Hazardous Substances Act, 1973, and any regulations made under this Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in section 2(1) of the Hazardous Substances Act, 1973, must -
- (a) be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
  - (b) have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
  - (c) be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 kg or more;
  - (d) be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
  - (e) be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog winch mechanism that can be locked;
  - (f) have electrical wiring that complies with the requirements of SANS 314 and be maintained in accordance with SANS 314;
  - (g) have at least two static-free wheel blocks;

- (h) have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
  - (i) have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit: Provided that portable containers that contain or have contained Group II Hazardous substances may only be transported in an open-bodied vehicle; and
  - (j) have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under this Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in section 43 of these by-laws must be equipped with at least two 9kg Dry Chemical Fire Extinguishers, which extinguishers must be -
- (a) designed and manufactured in accordance with the specifications contained in SANS 1910;
  - (b) maintained in accordance with SANS 0105 and SANS 1475; and
  - (c) so positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substance in a road tanker or in any other vehicle contrary to any requirements contained in this section, or has it so transported or permits it to be so transported, is guilty of an offence.

#### **Duties, Responsibilities And Skills Of A Driver Of A Vehicle For Hazardous Substances**

44. (1) Any driver of a vehicle referred to in section 43 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transportation Act, 1977 (Act 74 of 1977), and must act in accordance with SANS 0189, SANS 0232, the Hazardous Substances Act, 1973, and the regulations made under this Act.

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

### **Service Transport Permit**

45. (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to section 44 of these by-laws, have a valid transport permit in terms of this section for transporting hazardous substances: Provided that -
- (a) each vehicle for which such a permit has been issued must comply with the provisions of section 43 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 Office of the Chief Fire Officer at least five days (excluding Saturdays, Sundays and Public holidays) prior to the proposed test date.
- (2) The transport permit must -
- (a) indicate the date of issue and the date of expiry;
  - (b) be valid for a period of twelve months from the date of issue;
  - (c) indicate the name, in block letters, of the issuing officer and bear the officer's signature;
  - (d) indicate a year-linked serial number;
  - (e) indicate the group and quantity of hazardous substances to be transported;
  - (f) indicate the registration number of the vehicle in question;
  - (g) be displayed in a purpose-made waterproof container attached to the side of the chassis frame supporting the tank, load level or load space; and
  - (h) at all times be maintained in a legible condition.
- (3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.

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

#### Exceptions With Regard To Transport Permits

46. (1) Subject to the provisions of section 45 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said section 43:

(a) **Single-load hazardous substance(s)**

- |           |                            |   |
|-----------|----------------------------|---|
| <b>1.</b> | <b>Group I: Explosives</b> | No exemption                                  |
| <b>2.</b> | <b>Group II: Gases</b>     |   |
| 2.1       | Flammable gases            | Total cylinder capacity may not exceed 100 Kg |
| 2.2       | Non-flammable gases        | Total cylinder capacity may not exceed 333 Kg |
| 2.3       | Toxic gases                | No exemption:                                 |

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

**3. Group III: Flammable liquids**

- |     |  |   |
|-----|--|---|
| 3.1 | With flash points $\leq 18$ °C               | Total quantity may not exceed 100 Liter   |
| 3.2 | With flash points $> 18$ °C but $\leq 23$ °C | Total quantity may not exceed 420 Liter   |
| 3.3 | With flash points $> 23$ °C but $\leq 61$ °C | Total quantity may not exceed 1 100 Liter |

3.4 With flash points > 61 °C  
but ≤ 100 °C Total quantity  
may not exceed  
1 100 Liter

**4. Group IV: Flammable solids**

4.1 Flammable solids Total  
quantity may  
not exceed  
250 Kg

4.2 Pyrophoric substances No exemption

4.3 Water-reactive  
substances No exemption

**5. Group V: Oxidizing agents and  
organic peroxides**

5.1 Oxidizing agents Total quantity  
may not exceed  
200 Kg

5.2 Group I organic  
peroxides in packets No exemption

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

**6. Group VI: Toxic/infective substances**

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

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

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

6.4 Infective substances No exemption

**7. Group VII: Radioactive materials**

7.1	All groups	No exemption
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**8. Group VIII: Corrosive/caustic substances**

8.1	Group I acids in packets	Total quantity may not exceed 50 Kg
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8.2	Group II acids in packets	Total quantity may not exceed 200 Kg
-----	---------------------------	--------------------------------------

8.3	Group III acids in packets	Total quantity may not exceed 1 000 Kg
-----	----------------------------	--

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

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

8.6	Group III alkaline substances in packets	Total quantity may not exceed 1 000 Kg
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**9. Group IX: Miscellaneous substances**

9.1	Liquids	Total quantity may not exceed 210 Liter
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9.2	Solids	Total quantity may not exceed 210 Kg
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**(b) Multiple-load hazardous substances** No exceptions.

**PART VI: STOREROOMS FOR HAZARDOUS SUBSTANCES****REQUIREMENTS FOR STOREROOMS****Capacity**

47. (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in Section 25 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.

**Danger Notices In Storeroom**

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

**Display Of Certificate Of Registration**

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

**Construction Of Storerooms****(Excluding Storerooms In Recognized Bulk Depots And Bulk Installations)**

- (4) The construction of any storeroom must be in accordance with the following requirements:
- (a) (i) The walls must be of brick or concrete.
  - (ii) The floor must be of concrete.
  - (iii) The roof must be of reinforced concrete of which the composition must offer fire resistance of at least 120 minutes.

- (b) Notwithstanding the provisions of subsection (4)(a)(iii), the roof of a storeroom may be manufactured from any other non-combustible material if -
  - (i) the storeroom adjoins a higher wall that has no opening at any place within 10 m above the storeroom and has no openings within 5 m of any side thereof; and
  - (ii) the storeroom is not situated within 5 m of any adjacent building and/or boundary of any premises.

#### **Doors**

- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with 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 4 m 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) any door providing access to a storeroom must at all times be capable of being opened easily from the inside without the use of a key.

#### **Windows**

- (6) All window frames must be manufactured of steel and must -
  - (a) be fitted with wire glass with a minimum thickness of 8 mm; and
  - (b) have window panels with a maximum size of 450 mm x 450 mm:

Provided that no window shall 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 doorsill 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 hazardous substances able to be stored in the storeroom, plus 10%;

- (b) the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed;
- (c) an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
- (d) 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 hazardous substances 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 the fumes are not likely to come into contact with any source of ignition which may ignite such fumes.

#### **Natural Ventilation**

- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: Provided that the airbricks are -
  - (a) provided in at least three external walls; and
  - (b) positioned 100 mm above the level of the sill and 100 mm below the roof and not more than 450 mm apart.

#### **Mechanical Ventilation**

- (10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300 mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
  - (a) the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour;
  - (b) the vanes of the system must be manufactured from a static-free material;

- (c) the fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
- (d) all ventilators must be attached firmly to the inside of the walls;
- (e) the bottom ventilators must be affixed as close as possible to the level of the sill; and
- (f) all ventilation openings and/or air duct openings must be installed in the opposite wall, 100 mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.

### **Electrical Equipment**

- (11) The owner or person in charge of a storeroom must ensure that -
  - (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SANS 0108;
  - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
  - (c) all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground;
  - (d) switches actuating any mechanical ventilation system are situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
  - (f) whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

**Electrical Installations Installed By Qualified Electricians**

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

**Storerooms Constructed From Other, Non-Combustible Materials**

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

**Unauthorized Access**

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

**Abuse Of A Storeroom**

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

- (16) Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this section is guilty of an offence.

#### **Keeping And Handling Hazardous Substances In A Storeroom**

48. (1) Any storeroom referred to in section 47 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I Hazardous substances (explosives), as defined in section 2(1) of the Hazardous Substances Act, 1973: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 49 of these by-laws, any grouped hazardous substance contemplated in this section, with the exception of Group I Hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SANS 0263 and kept in terms of SANS 0263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 22, 24 and 25 of these by-laws, as the case may be.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **PART VII: SPRAY-PAINTING MATTERS AND SPRAYING PERMITS**

#### **REGISTRATION OF SPRAY-PAINTING ROOMS**

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

### **Prohibition Of Certain Actions**

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

### **Display And Conditions Of Spraying Permit**

- (3) A spraying permit is issued on the following conditions:
- (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
  - (b) The spraying permit must be legible at all times.
  - (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
  - (d) A serial number must be indicated on the spraying permit.
  - (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.
  - (f) The spraying permit is not transferable from premises to premises.
  - (g) In 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 24 of these by-laws.
- (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
- (j)
  - (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
  - (ii) The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
  - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

#### **Construction And Design Of Spray-Painting Rooms**

- 50. (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 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5 mm.
- (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3 mm.
- (c) If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
- (d) The floor must be of concrete or metal.
- (e) The window frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (f) All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in subsections (1) and (2), including any 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 SABS or CSIR and is found to be suitable for the particular intended purpose.

**Location Of And Access To A Spraying Room**

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must -
- (i) open to the outside;
  - (ii) be at least 800 mm x 2 000 mm in extent;
  - (iii) be positioned in 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 4 m; and
  - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against 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.

### **Electrical Equipment**

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

### **Mechanical Ventilation**

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

- possible to the level of the sill; and
- (vi) all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.

#### **Fire Dampers, Fire Detectors And Fire Alarms**

- (b) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of the ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of 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 an 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 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.
- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

**Display Of Signs Prohibiting Open Flames And Smoking**

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

**Unauthorized Access**

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

**Abuse Of Spraying Room**

- (18) No person may -
- (a) use any spraying room or permit any spraying room to be used for any purpose other than for practicing or exercising activities related to spray-painting in the spraying room;
  - (b) employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
  - (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance 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 powder fire extinguisher on the inside, as well as a 9kg dry chemical powder fire extinguisher and a 9kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in section 33(1)(b) of these by-laws.

### **Drying Kiln/Heating Devices**

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

## **PART VIII: ANIMALS**

### **HANDLING ANIMALS DURING EMERGENCIES**

51. (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may -
- (a) authorize a suitably qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
- (b) recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **PART IX: PENALTIES**

### **PENALTIES FOR CONTRAVENTIONS**

52. Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R5 000,00 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**

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

**REPEAL OF BY-LAWS**

54. The following by-laws are hereby repealed:
- (a) Delmas Municipality: Fire Brigade by-laws, published under Administrator's Notice 342 of 23 March 1977, as amended;

**SHORT TITLE**

55. These by-laws are called the Fire Brigade Services By-laws.

## **PART XI: ANNEXURES**

### **ANNEXURE I: TARIFFS**

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

##### **A. FEES FOR EMERGENCY SERVICES**

1. All fees shall be as determined by Council from time to time.
2. General Directives for the Payment of the Fees;
  - (1) All certificates of registration, certificates of fitness and/or spraying permits will be valid for twelve calendar months from date of issue to last day of the month preceding the date of issue.. A written application for the renewal of the certificate or permit must reach the Chief Fire Officer at least one calendar month prior to the expiry thereof.
  - (2) When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
  - (3) All the appropriate application forms are available from the Chief Fire Officer and must be completed in full and, where applicable, be duly signed.
  - (4) If, for whatever reason, the Chief Fire Officer rejects an application for any certificate of registration, certificate of fitness or any permit, the applicant must, within 14 days (excluding weekends and public holidays) of the date of rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
  - (5) If there are different divisions 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.

##### **B. REBATE**

If the Service is used for a building that is used exclusively for residential purposes, the Chief Fire Officer may, at his/her sole discretion, limit the total amount payable in respect of paragraph A.1 above to a maximum of R 2 000,00.

##### **C. EXEMPTIONS**

Any Fees payable in terms of paragraph A.1 above are not applicable to property of the Council, unless the property is leased.

Any Fees payable in terms of paragraph A.1 above are not applicable to grass/veld fires where such property owner/occupant is a registered and paid-up member of the local Fire Protection Association.

**D. ADJUSTMENT IN FEES PAYABLE TO THE SERVICE AS CONTEMPLATED  
IN THIS ANNEXURE**

The Service must ensure that all fees referred to in clause A of this Annexure are adjusted to keep trend with inflation according to the consumer price index

**ANNEXURE II : OFFICIAL DOCUMENTS**

**A. GENERAL**

1. The Chief Fire Officer 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 Council, 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 Council
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 fitness" or "Certificate Of Fitness"
  - (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:

- a. The groups and subgroups of hazardous substances for which registration is required
- b. The required quantity of each group of hazardous substance
- c. The manner in which the substances are to be stored, for example -
  - i. in an underground storage tank;
  - ii. in an above-ground storage tank;
  - iii. in a hazardous substance store; or
  - iv. in a manifold installation
- d. An indication of all spray-painting rooms and submersion tanks, as the case may be

13. A watermark (on all permits and certificates)

14. A serial number (on all permits and certificates)

15. A receipt number (on all permits and certificates)

16. The official stamp of the Service.

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

### **1. APPLICATION FORMS**

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

## 2. PERMITS AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in 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 certificate with 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 maximum quantity allowed to be transported (either Kg or Liters)
- (5) The Gross Vehicle Mass of the vehicle in question.
- (6) The type of load to be transported, for example a single load or a multiple load, and the class of flammable substance, for example Class I(a,b,c), II, etc. or the group of hazardous substance(s), for example Group I, II, III, or a combination of them.
- (7) Where applicable, the make of the vehicle
- (8) The date of issue of the permit
- (9) The date of expiry of the permit
- (10) The signature of the issuing officer
- (11) A serial number
- (12) A watermark.

### **ANNEXURE III: EMERGENCY EVACUATION PLANS**

#### **A. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least twice a year, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing 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.
4. Any emergency evacuation plan must be compiled in the dominant, official language(s) (which must be an official language of the Republic) of the employer.

#### **B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS**

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

#### **2. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN**

##### **(1) THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY**

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

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

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

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

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

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

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

**(5) PLANS OF THE LAYOUT OF 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.**C. 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.)

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

**ANNEXURE IV: MSDS BOX****MATERIAL SAFETY DATA SHEET BOX AND EMERGENCY EVACUATION PLAN BOX  
(MSDS BOX)****1. MATERIAL SAFETY DATA SHEET / SAFETY DATA SHEET BOX**

- i. A container no smaller than 300 x 400 mm shall be provided to contain all MSDS's / SDS's
- ii. Material safety data must be provided for every individual chemical substance when such substance is to be found on the said premises and falls outside exempt quantities as described in SANS 10228,
- iii. Such MSDS / SDS shall contain no less information than shown on NOSA Form 2.12.05.01 "**Hazardous Substances Record**"
- iv. Such container shall be affixed to the outside of the building next to or near the main entrance and shall be placed 1,5m above ground level. If a security office is located at the main entrance,
- v. Such container shall be painted day-glow orange and be marked in black capital letters no smaller than 150 x 15mm and shall read "**MSDS**" or "**SDS**"
- vi. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer.

**2. EMERGENCY EVACUATION PLAN BOX (EEP Box)**

- i. a container no smaller than 300 x 400 mm shall be provided to contain all EEP's
- ii. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer
- iii. Such container shall be painted day-glow orange and be marked in black capital letters no smaller than 150 x 15mm and shall read "**EEP**"

**ANNEXURE V: NORMATIVE REFERENCE LIST****NORMATIVE REFERENCES****1. NATIONAL LEGISLATION**

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

<b>No</b>	<b>ACT No</b>	<b>Title of Act</b>
1	63 of 1977	Health Act, 1977
2	99 of 1987	Fire Brigade Services Act, 1987
3	32 of 2000	Municipal Systems Act, 2000
4	117 of 1998	Municipal Structures Act, 1998
5	103 of 1977	National Building Regulations and Building Standards Act, 1977
6	101 of 1998	National Veld and Forest Fire Act, 1998
7	10 of 1998	Rationalization of Local Governments Affairs Act, 1988
8	15 of 1973	Hazardous Substances Act, 1973
9	51 of 1977	Criminal Procedures Act, 1977
10	85 of 1993	Occupational Health and Safety Act, 1993
11	93 of 1996	National Road Traffic Act, 1996
12	68 of 1995	South African Police Service Act, 1995
13	32 of 1944	Magistrates' Courts Act, 1944
14	26 of 1956	Explosives Act, 1956
15	74 of 1977	Road Transportation Act, 1977
16	43 of 1996	National Archives of South Africa Act, 1996

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

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

<b>No</b>	<b>No of Standard</b>	<b>Title of Standard / Code of Practice / Specification</b>
1	193	Fire Dampers
2	543	Fire Hose Reels (with hose)
3	1128-1	Fire Fighting Equipment Part 1: Components of underground and above-ground hydrant systems
4	1128-2	Fire Fighting Equipment Part 1: Hose couplings, connectors and branch pipe and nozzle connections
5	1186	Symbolic Safety Signage
6	1253	Fire Door Assemblies
7	1475-1	The Production of Reconditioned Fire-Fighting Equipment Part 1: Portable Rechargeable Fire Extinguishers

8	1475-2	The Production of Reconditioned Fire-Fighting Equipment Part 2: Fire Hose Reels
9	1518	Transportation of Dangerous Goods: Design, construction, testing approval and maintenance of road vehicles and portable tanks
10	1535	Glass-Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
11	1567	Portable Rechargeable Fire Extinguishers - Carbon Dioxide type
12	1850	The Design and Manufacture of Commercial Kitchen Extraction Systems
13	1910	Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14	10019	Portable metal containers for compressed gases: Basic design criteria, use and maintenance
15	10086-1	The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1 : Installations other than in mines
16	10087-1	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1 : Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500Litre and a combined water capacity not exceeding 3 000 Litre per installation
17	10087-2	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2 : Installations in mobile units and small non-permanent buildings
18	10087-3	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3 : Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 Litre
19	10087-4	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4 : Transportation of LPG in bulk by road
20	10087-6	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6 : The application of liquefied petroleum gas as an engine fuel for internal combustion engines
21	10087-7	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7 : Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
22	10087-8	The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8 : The fuelling of fork lift trucks and

		other gas operated vehicles
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1/3/11

Council Resolution :

Mpumalanga Provincial Gazette Number:

Local Authority Notice Number:

## PROVINCIAL NOTICE 54 OF 2020

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE  
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Mandla Jeffrey Msibi, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Victor Khanye local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

**Victor Khanye Local Municipality**

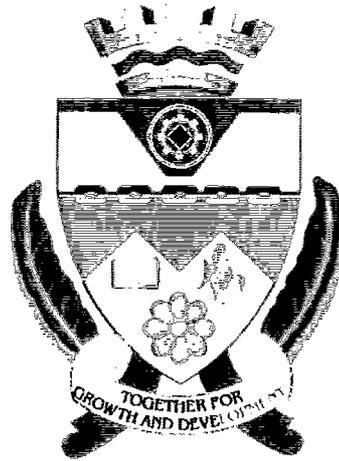
1. Traffic
2. Liquor Trading
3. Trading and;
4. Fire Brigade Services

Given under my hand at Mbombela, on 6<sup>th</sup> March 2020



MR MJ MSIBI (MPL)

MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS



# **VICTOR KHANYE LOCAL MUNICIPALITY**

## **TRADING BY-LAWS**

Approved by Council for Public Participation on **27 November 2018**

Council Resolution Number: **A006/11/18**

## VICTOR KHANYE LOCAL MUNICIPALITY TRADING BY-LAWS

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Victor Khanye Local Municipality, enacts as follows: -

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## CHAPTER 1 - APPLICATION

### 1. Definitions

(1) In this by-law, unless the context otherwise indicates –

“**Act**” means the Mpumalanga Businesses Act, 199 (Act 2 of 1996), and includes the regulations promulgated under the Act;

“**approval**” means approval by the municipality and “approve” has a corresponding meaning;

“**garden**” means a garden to which the public has a right to access;

“**goods**” means any movable property and includes a living thing;

“**intersection**” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**litter**” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste disposal or processing facility;;

“**motor vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**municipality**” means –

(a) the Victor Khanye Local Municipality, and includes any political structure, political office bearer, councilor, duly authorized agent thereof or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee; or

(b) 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, 2000, or any other laws the case may be;

“**municipal manager**” is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, 1998 and includes any person:

(a) acting in such position; and

(b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

“**nuisance**” means any act, omission or condition which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which affects, or may affect, the safety of the public;

“**official**” means a designated officer who is authorized by the municipality to perform and exercise any or all of the functions and powers contemplated in this by-law;

“**park**” means a park to which the public has a right to access;

“**perishable foodstuffs**” mean perishable foodstuffs declared as such in the Perishable Foodstuffs Regulations published under Government Notice R1183 in Government Gazette 12497 of 1 June 1990 (as amended) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972 and which includes meat, milk, fish, fish spawn, molluscs, crustaceans, fruit, vegetables and bread;

“**premises**” includes any land, building, structure, part of a building or of a structure, or any vehicle, conveyance, vessel or aircraft;

**"prescribed"** means prescribed by the municipality by resolution;

**"property"**, in relation to a street trader, means goods in which a street trader trades, and includes any article, container, vehicle or structure used or intended to be used in connection with street trading by the street trader;

**"public amenity"** means –

- (a) any land, square, camping site, caravan park, beach, swimming pool, public open space, public resort, recreation site, river, dam, nature reserve, zoo-logical, botanical or other garden, or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission of fees or not, but excluding a public road or street;
- (b) a building, structure, hall room or office, including any part thereof or any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission of fees or not; and
- (c) a public amenity contemplated in paragraphs (a) and (b) if it is lawfully controlled or managed in terms of an agreement between a person and the municipality;

**"public road"** means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**"roadway"** means a roadway as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**"sell"** includes barter, exchange, hire out, display, expose, offer or prepare for sale, store with a view to sell, or provide a service for reward, and "sale" or "selling" has a corresponding meaning;

**"sidewalk"** means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**"street furniture"** means any furniture installed by the municipality on the street for public use, including but not restricted to refuse bins, benches, plant pots, lights, receptacles, notice boards;

**"street trader"** means any person carrying on business, whether as principal, employee or agent, by selling, supplying or offering any goods or the supplying or offering to supply any service for reward, in or from a public road or public place in the municipality, but excludes a newspaper vendor or any other informal trader regulated by any other By-law, such as parking attendants;

**"street trading"** means the carrying on of the business as a street trader;

**"verge"** means a verge as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996), and any words or expressions to which a meaning has been assigned in the Mpumalanga Businesses Act, 199 (Act 2 of 1996) have a corresponding meaning in this by-law.

- (2) A single act of selling or offering or rendering of services in a public road or public amenity constitutes street trading.
- (3) A reference to a person carrying on the business of street trader includes the employee of the person.

## 2. Principles and objectives

The Municipality, acting in terms of section 6A(1)(a)(i) of the Mpumalanga Businesses Act, 199 (Act 2 of 1996), and –

- (a) having regard to the principles set out in the Act and in the Constitution;
- (b) taking into consideration the need of the residents to actively participate in economic activities; and
- (c) taking into consideration the need to maintain a clean, healthy and safe environment, in this by-law provides mechanisms, procedures and rules to manage street trading.

## 3. Application

This by-law applies to all persons who carry on the business of street trading within the area of jurisdiction of the Victor Khanye Local Municipality.

## 4. Forms of Trading

Trading may include any of the following forms if trading -

- a) Street trading, which comprises the selling of goods or supply of services for reward in a Public Road;
- b) Selling of Goods in Linear Market;
- c) Sale of Goods or services in a Public Place including residential zones;
- d) Mobile trading such as from caravans, and light motor vehicles;
- e) Selling of goods in stalls or kiosks; and
- f) Selling of goods at Special Events

## 5. Freedom to engage in Trading

Subject to compliance with the provisions of this By-laws, the Act and any other applicable law, any member of the Community of the Municipality may be permitted to engage in trading activities.

**CHAPTER 2: GENERAL PROVISIONS APPLICABLE TO STREET TRADING****6. Restricted and prohibited areas**

- (1) The municipality may, in terms of section 7A(2)(a) of the Act and subject to the provisions of paragraphs (b) up to and including (j), declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited.
- (2) The municipality may by public notice and by erected sign indicate such areas, and the notice and sign must indicate –
  - (a) the restriction or prohibition against street trading;
  - (b) if street trading is restricted –
    - (i) the boundaries of the area or stand set aside for restricted street trading;
    - (ii) the hours when street trading is restricted or prohibited; and
    - (iii) the goods or services in respect of which street trading is restricted or prohibited; and
  - (c) that the area has been let or otherwise allocated.
- (3) The municipality may change the areas contemplated in subsection (1) if the needs and circumstances of residents and street traders demand such reconsideration.
- (4) A person who carries on the business of a street trader in contravention of a notice contemplated in subsection (2) commits an offence.

**7. Places where street trading is prohibited**

- (1) Unless the municipality has so permitted in terms of an agreement or by means of the display of a sign, no person may carry on the business of a street trader in any of the following places:
  - (a) In a garden or a park to which the public has a right of access; or
  - (b) on a verge contiguous to –
    - (i) a building belonging to, or occupied solely by the State or the municipality;
    - (ii) a church or other place of worship; or
    - (iii) a building declared to be a public monument under the National Heritage Resources Act, 1999.
- (2) No person may carry on the business of a street trader in any of the following places:
  - (a) in a place declared by the municipality under section 7A(2)(a) of the Act as a place in which street trading is prohibited;
  - (b) at a place where street trading obstructs the use of the sidewalk by pedestrians or interferes with the ability of persons using the sidewalk to view the goods displayed behind a shop display window or obscures such goods from view.

- (c) within 5 metres of an intersection as defined in Regulation 322 of the National Road Traffic Regulations published under GN R225 in GG 20963 of 17 March 2000 in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);
  - (d) at a place where street trading obstructs –
    - (i) access to a fire hydrant;
    - (ii) the entrance to, or exit from, a building;
    - (iii) vehicular traffic;
    - (iv) access to a pedestrian crossing, a parking or loading bay or any other facility for vehicular or pedestrian traffic;
    - (v) access to, or the use of street furniture or any other facility designed for the use of the general public;
    - (vi) or obscures a road traffic sign that is displayed in terms of the National Road Traffic Act, 1996; or
    - (vii) or obscures a marking, notice or sign displayed or made in terms of this by-law;
  - (e) that half of a public road contiguous to a building which is used for residential purposes, if the owner or person who is in control or any occupier of the building objects thereto and provided that the municipality consulted with owners of affected properties where informal trading areas are designated; or
  - (f) on a portion of a sidewalk or public amenity in contravention of a notice or sign erected or displayed by the municipality for the purposes of this by-law.
- (3) A person to whom an area or stand has been let or allocated under paragraph (c) of section 7A(3) of the Act –
- (a) must comply with the conditions of the lease of allocation;
  - (b) must be in possession of written proof that municipality has let or allocated the area or stand to him or her; and
  - (c) may not transfer any written proof that municipality has let or allocated the area or stand to him or her
- (4) No person may purchase or offer to purchase from a street trader any goods or service, including casual labour services, in or at a place where street trading is prohibited.
- (5) A person who contravenes a provision of this section commits an offence.

## 8. Duties of street trader

- (1) A street trader must –
- (a) when he or she concludes business for the day, remove his or her property, except any structure permitted by the municipality, to a place which is not part of a public road or public amenity;
  - (b) when requested by an official of the municipality or by a person who has been authorized to provide municipal services, move his or her property so as to permit the official or other person to carry out any work in relation to a public road, public amenity or service;
  - (c) keep the area or stand occupied by him or her in a clean and sanitary condition at all times;

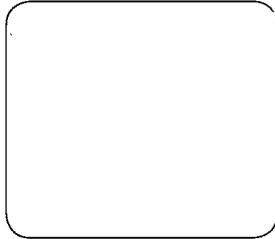
- (d) ensure that the area is free of litter at all times, and must, when he or she concludes business for the day, dispose of litter generated by his or her business –
    - (i) at the permitted disposal sites of the municipality; or
    - (ii) in receptacles provided by the municipality for the public, provided that where the litter exceeds the daily limit prescribed and removed by the municipality, such a street trader must ensure that such excessive litter are disposed off in terms of subsection (1)(d)(i);
  - (e) on request by an official of the municipality, move his or her property so as to permit the cleansing of the area where he or she is trading;
  - (f) regarding the size and location of the area or stand occupied by him or her,
    - 
    - (i) ensure that the area which he or she uses does not exceed 6 m<sup>2</sup> in size and not exceed 3 metres in length;
    - (ii) ensure that a space of not less than 1,5 metres is left between the wall of the shop (contiguous to which he or she conducts his or her business) and himself or herself; and
    - (iii) leave a space of not less than 0,5 metre from the kerb of the roadway.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

## 9. Prohibited conduct

- (1) A street trader –
- (a) may not sleep or overnight at the area where he or she is trading, or at the area where another street trader is trading;
  - (b) may not place or stack his or her property in such a manner that it –
    - (i) constitutes a danger to any person or property; or
    - (ii) is likely to injure any person or cause damage to any property;
  - (c) may not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
  - (d) may not release onto a public road or public amenity or into a storm water drain any fat, oil or grease in the course of conducting his or her business;
  - (e) may not allow smoke, fumes, noise, smells, or other substance arising from his or her activities to cause a nuisance or pollution of any kind;
  - (f) may not erect a structure for the purpose of providing shelter;
  - (g) may not place his or her property in a public road or public amenity, except if such road or amenity is a designated area;
  - (h) who conducts his or her business from a vehicle, may not park the vehicle or trailer in such a manner as to obstruct pedestrian or vehicular traffic and must ensure that he or she complies with the provisions of the National Road Traffic Act, 1996;
  - (i) may not place, on a public road or public amenity, his or her property that cannot be easily removed to a place of safety, which may not be a public road or public amenity, at the end of the day's business;

- (j) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier or person in control of such building or property;
  - (k) may not attach an object by any means to a building, structure, sidewalk, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench, fence or any other street furniture in or on a public road or public amenity;
  - (l) may not carry on his or her business in such a manner as to –
    - (i) create a nuisance;
    - (ii) damage or deface the surface of a public road or public amenity or public or private property; or
    - (iii) create a traffic hazard;
  - (m) may not make an open fire that poses a health or environment hazard to any person or property or to street furniture;
  - (n) may not, other than in a refuse receptacle approved or supplied by the municipality, accumulate, dump, store or deposit any litter on –
    - (i) any land or premises;
    - (ii) any public road or public amenity or;
    - (iii) any public or private property;
  - (o) may not store his or her property in a manhole, storm water drain, public toilet, bus shelter or in a tree; and
  - (p) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the municipality in terms of section 7A(2)(a) of the Act; and
  - (q) may not trade in front of a formal business in goods that are similar to any goods offered for sale by such formal trader.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**CONTINUES ON PAGE 130 - PART 2**



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

**Provincial Gazette  
Provinsiale Koerant**

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27 MARCH 2020  
27 MAART 2020

No. 3145

## 10. Removal and impoundment

- (1) An official who reasonably suspects that property is being used or intended to be used in, or in connection with, street trading, whether or not the property is in possession or under the control of any person may, subject to subsection (2), remove and impound the property which he or she finds at a place where street trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition.
- (2) An official who acts under subsection (1) must, except in the case of goods that have been left or abandoned, issue to the street trader a receipt for the property so removed and impounded and the receipt must contain the following particulars:
  - (a) the address where the impounded property will be kept and the period it will be kept;
  - (b) the conditions for the release of the impounded property; and
  - (c) that unclaimed property will be sold by public auction.
- (3) If any impounded property is attached to immovable property or a structure, and the impounded property is under the apparent control of a person present at that place, an official may order the person to remove the impounded property.
- (4) When a person fails to comply with an order to remove the impounded property, an official may take such steps as may be necessary to remove the impounded property.
- (6) A person who hinders or obstructs an official in the performance of his or her duties under this section, or who refuses or fails to remove the object when ordered to do so by an official, commits an offence.

## 11. Disposal of impounded goods

- (1) Any perishable foodstuffs removed and impounded in terms of section 8(1) may at any time after the impoundment thereof be sold or destroyed by the municipality and in the case of a sale of such perishable foodstuffs, the proceeds thereof, less any expenses incurred by the municipality in connection with the removal and impoundment thereof, shall upon presentation of the receipt contemplated by section 8(2)(a), be paid to the person who was the owner thereof when it was impounded. If such owner fails to claim the said proceeds within three months of the date on which it was sold, the proceeds may be forfeited to the municipality.
- (2) The owner of any goods other than perishable foodstuffs already dealt with by the municipality in terms of subsection (1) who wishes to claim the return thereof must, within a period of one month of the date of the impoundment thereof, apply to the municipality and must present the receipt contemplated in section 8(2)(a), failing which the goods may be sold by the municipality, and in the event of a sale thereof the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of the sale.
- (3) If the owner of any goods impounded in terms of section 8(1) claims the return of the goods from the municipality and he or she is unable or refuses to refund any expenses incurred by the municipality in connection with the removal and

impoundment, the goods may be sold by the municipality and the proceeds of any sale thereof, less any expenses shall be paid to him or her.

- (4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the municipality, the owner thereof shall in terms of section 8(3)(a) remain liable for the difference.

## 12. Newspaper vendors

- (1) Any publisher of a newspaper that sells such newspaper by using vendors in or on a road must enter into an agreement with the municipality regarding the areas where and times during which such sales may be undertaken.
- (2) The municipality may determine the hours during which the sale of newspapers in terms of subsection (1) may be undertaken.
- (3) The municipality may levy a tariff for the sale of newspapers in or on any road within its area of jurisdiction.
- (4) Any publisher or vendor that contravenes the provisions of this section commits an offence.

## CHAPTER 3: MISCELLANEOUS PROVISIONS

### 13. Penalty

- (1) 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;
  - (d) Who obstructs or hinders any authorized representative in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine not exceeding R 1 500.00 or, in default of payment, to imprisonment for a period not exceeding 3 (three) months and in the case of a continuing offence, to further fine not exceeding R 2 000.00 or, in default of payment, to imprisonment not exceeding 6 (six) months, for every day during the continuation of such offence, after written notice has been issued by the Council and served on the person concerned, requesting the discontinuation of such offence;
  - (e) When requesting in terms of section 5(1)(a)(iii) of the Mpumalanga Trading Hours Act, 1999, to produce any document, license, book or record, refuses or fails to do so, or who, when requested in terms of section (1)(b) gives a false or incorrect reply or who, when required to furnish information in terms of section 5(1)(c), refuses or furnishes false or incorrect information; or
  - (f) Opens or keep open a shop contrary to the designated special opening and closing hours;
    - (1) Shall be guilty of an offence and liable of a penalty fine not exceeding R 1 500.00 or, in default of payment, to imprisonment for a period not exceeding 3 (three) months and in the case of a continuing offence, to

further fine not exceeding R 2 000.00 or, in default of payment, to imprisonment not exceeding 1 (one) year, or both a fine and such imprisonment, for every day during the continuation of such offence, after written notice has been issued by the Council and served on the person concerned, requesting the discontinuation of such offence

- (2) Where a shopkeeper is convicted of an offence referred to in subsection (1) of the Mpumalanga Trading Hours Act, 1999, the court may, in addition to any penalty imposed in terms of that subsection, prohibit the shopkeeper or any successor to the shopkeeper from trading in, or from the shop concerned outside trading hours.

#### 14. Responsibility of persons employing street traders

When an employee of a person who performs an act which contravenes a provision of this by-law, the employer is deemed to have committed the contravention him- or herself, unless he or she proves that –

- (a) he or she did not permit such act;
- (b) he or she took all reasonable steps to prevent the performance of the act; and
- (c) it was not in the scope of the authority or the course of employment of the employee to perform an act which contravenes this by-law.

#### 15. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

#### 16. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating conditions for a local community to participate in the affairs of the municipality; and
  - (b) promoting economic development.
- (2) A liaison forum may consist of –
  - (a) a member of members of an interest group, or an affected person;
  - (b) a member or members of a ward committee in whose immediate area street trading is conducted;
  - (c) a designated official or officials of the municipality; and
  - (d) a councillor.
- (3) (a) The municipality may, when considering an application for an approval,

or exemption certificate in terms of this by-law, request the input of a liaison forum.

- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit input to the municipality for consideration.

17. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality, are hereby repealed as far as they relate to matters provided for in these By-laws, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

18. Short title and commencement

This by-law may be cited as the Victor Khanye Local Municipality Street Trading By-law and commences on the date of publication thereof in the Provincial Gazette.

**SCHEDULE A****TRADING HOURS IN TERMS OF PROVISIONS OF THE MPUMALANGA TRADING HOURS ACT, 1999****SPECIAL OPENING AND CLOSING HOURS;-**

<b>CATEGORY</b>	<b>OPENING TIMES</b>	<b>CLOSING TIMES</b>
Wholesalers	08:00	17:00
Supermarket	07:00	20:00
General dealer	07:00	19:00
Hardware	08:00	18:00
Café / restaurant	06:00	21:00
Family restaurant	06:00	22:00
Tuck shop/spaza shop	06:00	20:00
Motor Spares / Workshop related	08:00	17:00
Butchery	08:00	18:00
Street hawkers / Market Stall	06:00	17:00

**PLACES WITH RESTRICTED TRADING HOURS****PLACES**

- A. Gardens and Parks;
- B. Verges contiguous to the following;-  
Places of worship, national Monuments  
Public buildings
- C. Restricted areas;-  
(with number and date of notice of declaration thereof)

With regards to A, B, and C above, the days and hours determined by Council after receiving specific applications.

**SCHEDULE B**

## VICTOR KHANYE LOCAL MUNICIPALITY TARIFF STRUCTURE

## BUSINESS LICENSING

CATEGORY	TARIFF
	As per approved Budget for the financial year

**PROVINCIAL NOTICE 55 OF 2020**

NOTICE OF APPLICATION FOR AMENDMENT OF EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 & 6 IN TERMS OF EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW,2016, READ TOGETHER WITH SPLUMA, 2013 (ACT NO. 16 OF 2013)

**EMALAHLENI AMENDMENT SCHEME 2364 WITH ANNEXURE**

We, EmiDoc Town Planners, being the authorized agent of the registered owner of Holding 20 Jackaroo Agricultural Holdings, hereby give notice in terms of chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-Law,2016, read together with SPLUMA,2013, that we have applied to the Emalahleni Local Municipality of the amendment of the use management scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the following property:

1. Amendment Scheme No 2364 with Annexure 843: holding 20 Jackaroo Agricultural Holding , from "Agricultural " to "Industrial 1" for light industry with an Annexure 843 for the purpose of Dwelling House

Particulars of the Application will lay for inspection during normal office hours of the chief Town Planner ,third floor, Civic Centre, Mandela Avenue, Emalahleni, for a 30 days from 21 February 2020. Objections to or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni,1035 within a period of 30 days from 28 February 2020.

Address of the applicant: No 09 Afzelia Court ,20 De Vos street, Langlaagte,2092.  
Email:emidoc.trp@gmail.com. Cell;079 733 5272

**PROVINSIALE KENNISGEWING 55 VAN 2020**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN EMALAHLENI GRONDGEBRUIKSBESTUURSKEMA 2010 INGEVOLGE HOOFSTUK 5 & 6 INGEVOLGE EMALAHLENI RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2016, LEES SAAM MET SPLUMA, 2013 (WET NO. 16 VAN 2013)

**EMALAHLENI AMENDMENT SCHEME 2364 WITH ANNEXURE**

Ons, EmiDoc Stadsbeplanners, synde die gemagtigde agent van die geregistreerde eienaar van Holding 20 Jackaroo Agricultural Holdings, gee hiermee kennis in terme van hoofstuk 5 en 6 van die Emalahleni Verordening op Ruimtelike Beplanning en Grondgebruik, 2016, saamgelees met SPLUMA, 2013, dat ons by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die gebruiksbestuurskema, bekend as die Emalahleni Grondgebruiksbestuurskema 2010, deur die hersonering van die volgende eiendom:

1. Wysigingskema 2364 met Aanhangsel 843: besit van 20 Jackaroo Landbouhoewes, van "Landbou" na "Nywerheid 1" vir ligte nywerheid met 'n Aanhangsel 843 vir die doel van Dwelling House

Besonderhede van die aansoek le ter insae gedurende gewone kantoorure van die Hoof Stadsbeplanner, derde vloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf 21 Februarie 2020. Besware teen of vertoe ten opsigte van die aansoek moet ingedien word. binne 'n tydperk van 30 dae vanaf 28 Februarie 2020 by die Munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035, ingedien of gerig word.

Adres van applikant: Afzelia Hof 09, De Vosstraat 20, Langlaagte, 2092.E-pos: emidoc.trp@gmail.com. Sel; 079 733 5272

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**PREMIER'S NOTICES • PREMIERSKENNISGEWINGS**

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**PREMIER'S NOTICE 2 OF 2020****MPUMALANGA PROVINCIAL GOVERNMENT  
OFFICE OF THE PREMIER  
SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013  
PUBLICATION OF THE APPROVED PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK**

I, Refilwe Mtshweni-Tsipane, in my capacity as the Premier of the Mpumalanga Province, hereby publish, in terms of sections 15(1) and 15(7) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) the approved Provincial Spatial Development Framework, as approved by the Executive Council on the 18 September 2019.

The approved Provincial Spatial Development Framework is available at:  
<https://coqta.mpg.gov.za/reports.html>

Alternatively, hard copies of the approved Provincial Spatial Development Framework may be accessed on weekdays between 08h30 and 16h00 at:

The Office of the Head: Co-operative Governance and Traditional Affairs  
Mpumalanga Department of Co-operative Governance and Traditional Affairs  
Samora Machel Building, Extension 2, No. 6 Government Boulevard, Riverside Park, Mbombela, Mpumalanga

For any enquiries pertaining to the approved Provincial Spatial Development Framework please contact Mrs Z Lushaba at Tel: (013) 766 6712, E-mail: [MZMantashe@mpg.gov.za](mailto:MZMantashe@mpg.gov.za) or Mr M Loock at Tel: (013) 766 6680, E-mail: [LoockM@mpg.gov.za](mailto:LoockM@mpg.gov.za)



**HON RM MTSHWENI-TSIPANE  
PREMIER: MPUMALANGA PROVINCE**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 16 OF 2020****NKOMAZI LOCAL MUNICIPALITY  
REMOVAL OF A RESTRICTIVE TITLE CONDITION**

It is hereby notified in terms of Section 64 of the Nkomazi By-law on Spatial Planning and Land Use Management, 2015, that the Nkomazi Local Municipality has approved and adopted the land development application for the removal of certain conditions contained in Title Deed T14224/2009 with reference to the following property: Portion 14 of Erf 1 Luggedlane Tourism Estate, Title Deed T7632/2009 with reference to the following property: Portion 15 of Erf 1 Luggedlane Tourism Estate, and Title Deed T7799/2009 with reference to the following properties: Portions 16, 17 and 18 of Erf 1 Luggedlane Tourism Estate.

The following conditions and/or phrases are hereby removed:

Portion 14 - Title Deed T14224/2009: Condition D.8 on page 4; and

Portion 15 - Title Deed T7632/2009: Condition D.8 on page 6; and

Portion 16 - Title Deed T7799/2009: Condition D.8 on page 5; and

Portion 17 - Title Deed T7799/2009: Condition D.8 on page 9; and

Portion 18 - Title Deed T7799/2009: Condition D.8 on page 13.

This removal will come into effect on the date of publication of this notice.

**MD Ngwenya  
MUNICIPAL MANAGER**

Nkomazi Local Municipality  
Private bag X 101  
MALELANE  
1320