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STELLENBOSCH MUNICIPALITY COMMUNITY FIRE SERVICES BY-LAW 2013



STELLENBOSCH MUNICIPALITY

PREAMBLE

Stellenbosch Municipality, by virtue of the powers vested in it by **section 156 (2)** of the **Constitution of the Republic of South Africa** as amended, read with **section 13** of the **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**, has made the By-law set out below.

In this by-law, words used in the masculine gender include the feminine.

All singular meanings shall include the plural interpretation and vice versa.

The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

STANDARD BY-LAW RELATING TO COMMUNITY FIRE SAFETY

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CHAPTER 1

DEFINITIONS

1. **"above ground storage tank"** means a tank situated above ground for the storage of a flammable liquid.

"automatic releasing hold-open device" means a device used to hold open a fire door and operates on the detection of a fire to close the fire door.

"boundary" means any lateral or street boundary of a site.

"building" means –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacturing, processing, storage or sale of any goods;
- (iii) the rendering of any service;

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- (iv) the destruction or treatment of combustible refuse or combustible waste;
- (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside, but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building.

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank.

"chief fire officer" means the person in charge of the service, or the acting chief fire officer, as contemplated in the **Fire Brigade Services Act**.

"combustible material" means combustible refuse, combustible waste or any other material capable of ignition.

"combustible refuse" means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless.

"combustible waste" means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material.

"Constitution" means the **Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)**.

"controlling authority" means either a chief fire officer, a municipal manager or their respective delegates as contemplated in **sections 2 and 3** of this by-law.

"council" means the council of the Stellenbosch Municipality as contemplated in **section 18** of the **Local Government : Municipal Structures Act, 1997 (Act 117 of 1997)** and includes any committee or employee of the council exercising powers or performing duties delegated to that committee or employee by the council.

"dangerous goods" means a flammable gas, liquid or solid as contemplated in SABS 0228.

"division separating element" means a building element or component which separates one area of a building from another and has a fire resistance of not less than that required by the **National Building Regulations (T1)** read with the **SABS 0400**.

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"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door.

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers.

"entertainment and public assembly occupancy" means a place where people gather to eat, drink, dance or participate in other recreational activities.

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place.

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route.

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger.

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building.

"Explosives Act" means the **Explosives Act, 1965, (Act 26 of 1956)**.

"Fire Brigade Services Act" means the **Fire Brigade Services Act, 1987 (Act 99 of 1987)**.

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in **SABS 193**.

"fire door" means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time.

"fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire.

"fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property.

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles.

"fire protection system" means any device or system designed and installed to;

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- (a) detect, control or extinguish a fire, or
 (b) alert occupants or the fire service, or both, to a fire;
 but excludes portable and mobile fire extinguishers.

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the **National Building Regulations (T1)** read with **SABS 0400**.

"fire works" means an item prescribed in the Explosives Act as well as the relevant regulations.

"fire works display" means the discharge of fireworks as part of an public, religious and private function.

"flammable gas" as contemplated in **SABS 0228**, means a gas that at 20°C and at a standard pressure of 101,3 kilopascals;

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

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that gives off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in **SABS 0228**:

DANGER GROUP BASED ON FLAMMABILITY

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point (°C)
i	-	<35 (°C)
ii	<23(°C)	>35(°C)
iii	>23<60,5(°C)	>35(°C)
iv	>60,5 - 100(°C)	>35(°C)

"flammable solid" as contemplated in **SABS 0228**, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently.

"flammable substance" means a flammable liquid or a flammable gas;

"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in **section 56** of this by-law.

"Hazardous Substances Act" means the **Hazardous Substances Act, 1973 (Act 15 of 1973)**.

"Municipality" means Stellenbosch Municipality established in terms of **section 12** of the **Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**, published in **Provincial Notice 5642** dated **4 December 2000** and includes any political office-bearer,

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councillor, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, or employees.

"Municipal Manager" means a person appointed in terms of **section 54A** of the **Local Government : Municipal Systems Act**.

"Municipal Structures Act" means the **Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**.

"Municipal Systems Act" means the **Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**.

"National Building Regulations" means the regulations promulgated in terms **section 17(1)** of the **National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)**, and;

- (a) **National Building Regulations (A2)** means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) **National Building Regulations (A20)** means the provisions regulating the classification and designation of occupancies;
- (c) **National Building Regulations (A21)** means the provisions regulating the population of a building;
- (d) **National Building Regulations (T1)** means the provisions regulating general requirements for fire protection of a building; and
- (e) **National Building Regulations (T2)** means the provisions regulating the offences for non-compliance with the **National Building Regulations (T1)**.

"National Road Traffic Act" means the **National Road Traffic Act, 1996 (Act 93 of 1996)**.

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with **SABS 0177: Part 5**.

"occupancy" means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the **National Building Regulations (A20)**.

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the **National Building Regulations (T1)** read with the **SABS 0400**.

"Occupational Health and Safety Act" means the **Occupational Health and Safety Act, 1993 (Act 85 of 1993)**.

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the **National Road Traffic Act**.

"owner" means;

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- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation, provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit.

“person in charge” means;

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation.

“population” means the population determined in accordance with the **National Building Regulations (A21)**.

“premises” means any building, land, terrain, road, vehicle and can include a vessel, train or aircraft.

“public place” means any square, park, recreation ground or open space which;

- (a) is vested in the Municipality;
- (b) the public has the right to use, or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General’s office and has been provided for or reserved for the use of the public or the owners of erven in such township.

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"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes;

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

"SABS Codes" means South African Bureau of Standards, SABS Codes of Practice and Specifications issued in terms of the **Standards Act**.

"service" means a fire brigade service as defined in the **Fire Brigade Services Act**.

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected.

"Standards Act" means the **Standards Act, 1993 (Act 29 of 1993)**.

"State" means:

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution;
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer.

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the **Occupational Health and Safety Act**.

"summary abatement" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition.

"tank" for purposes of **chapter 10** of this by-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo.

"this by-law" includes the schedules published in terms of this by-law.

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground.

"vehicle" means a vehicle as defined in the **National Road Traffic Act** and includes the following:

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- (a) "road tank vehicle" means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) "tank-semi-trailer" means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- (c) "tank trailer" means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) "tank truck" means a single, self-propelled vehicle with a tank mounted on it;
- (e) "truck-tractor" means a self-propelled vehicle used to pull a tank-semi-trailer, and
- (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in **Chapter 10** of this by-law.

CHAPTER 2

ADMINISTRATIVE PROVISIONS

Administration and enforcement

- 2. (1) The chief fire officer is responsible for the administration and enforcement of this by-law.
- (2) Where no chief fire officer has been appointed in terms of the **Fire Brigade Services Act**, the municipal manager is responsible for the administration and enforcement of this by-law.

Delegation

- 3. (1) A chief fire officer may delegate any power granted to him in terms of this by-law in accordance with **section 19** of the **Fire Brigade Services Act**.
- (2) A municipal manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegation of the municipality developed in terms of **section 59** of the **Municipal Systems Act**.

Enforcement provisions

- 4. (1) A controlling authority may, whenever regarded necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this by-law.

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- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in **subsection (2)**, by performing any act, and may also:
- (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity, and
 - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

Authority to investigate

5. Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

Failure to comply with provisions

6. (1) When a controlling authority finds that there is non-compliance with the provisions of this by-law, excluding the situation in **section 4(2)**, a written notice must be issued and include the following:
- (a) confirmation of the findings;
 - (b) provisions of this by-law that are being contravened;
 - (c) the remedial action required, and
 - (d) set forth a time for compliance.
- (2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

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Denial, suspension or revocation of an approval or a certificate

7. A controlling authority may refuse, suspend or revoke an approval or a certificate required by this by-law in the event of:
 - (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate, or
 - (b) non-compliance with the provisions of the approval or certificate.

Records required

8. The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

Charges

9. (1) The municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in **section 10** of the **Fire Brigade Services Act**.
 - (2) The municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

Reporting a fire hazard and other threatening danger

10. An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, must immediately notify the controlling authority.

CHAPTER 3

FIRE PROTECTION OF BUILDINGS

General

11. The controlling authority in terms of **section 4(3)** or **section 6(1)** of this by-law must abate a contravention of the **National Building Regulations** relating to fire and safety of buildings.

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Access for emergency vehicles

12. (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads, it must be provided with emergency vehicle access and, notwithstanding the provisions in the **National Building Regulations (T1)**, it may be required to comply with the following:
- (a) an access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises;
 - (b) a motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device;
 - (c) fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceeds nine metres in height and are set back over 15 metres from a public road;
 - (d) fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres, above the fire lane must remain unobstructed.
 - (e) a cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

13. An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

Fire doors and assemblies

14. (1) Subject to the provisions of **SABS 1253**, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

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- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions:
- (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link vacating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism,
or
 - (f) any other action that renders a fire door or assembly less effective.

Escape Routes

15. (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with **SABS 1186**, indicating the direction of travel in the event of fire or any other emergency.

Tents

16. (1) Prior to the erection and usage of a tent as an occupancy contemplated in the **National Building Regulations (A20)**, an applicant must;
- (a) submit an application in terms of the **National Building Regulations (A2)** to the municipality for the erection and usage of the tent, and
 - (b) submit an application in terms of the **section 21** of this by-law to the controlling authority for a temporary population certificate.

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- (2) The application submitted in terms of **subsection (1)(a)** must comply with the following:
- (a) the tent must be erected at least 4,5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it;
 - (b) where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - (c) the requirements set out in the **National Building Regulations (TI)** must be complied with in the following instances:
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
 - (d) the population density of a tent must comply with the **National Building Regulations (A21)**.
 - (e) no cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (f) no open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch, but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - (g) no open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
 - (h) smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with **SABS 1186: Part 1**;
 - (i) lighting and wiring installed in a tent must comply with the requirements set out in **SABS 0142** in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in **subsections (1)** and **(2)**, the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4

FIRE SAFETY EQUIPMENT

Fire extinguishers

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17. (1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the **National Building Regulations (T1)** and **(T2)**.
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the **Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1**.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of **SABS 1475: Part 1**, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in **subsection (3)**.
- (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in **subsection (3)**, the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of **SABS 1475: Part 1 and SABS 1571**.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

Testing and maintenance of fire protection systems

18. (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

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- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the **National Building Regulations (T2)**, read in conjunction with a recognised national code or standard, and in the absence of a national code or standard, an applicable international code or standard must be used.
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- (6) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.
- (7) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

Interference with and access to fire protection systems and fire extinguishers

19. A person is not permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

Fire alarms and fire hydrants

20. (1) Without compensation to the owner of the premises concerned, the controlling authority may cause:
 - (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or

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- (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in **subsection (1)**, board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

21. Prevention and control of overcrowding

- (1) Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in **Schedule 2** of this by-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in **subsection (1)**, the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the **National Building Regulations (A20)**.
- (4) A temporary population certificate is valid for a period not exceeding 30 calendar days from date of issue.
- (5) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirement of the **National Building Regulations (T1)** and where the controlling authority

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is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of **sections 4(2) or 6(1) and section 7** of this by-law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with **subsection (1)**.
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

Attendance of a service

22. (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the municipality may be recovered from the person in charge of the function in accordance with **section 9** of this by-law.

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Formulation of an emergency evacuation plan

23. (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in **subsection (1)**, to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in **subsections (1) and (2)** must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in **subsection (4)** must contain the following information:
- (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required, and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Displaying of escape route plans

24. (1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

Barricading of vacant buildings

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25. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the municipality, which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

CHAPTER 6

HOUSEKEEPING

Combustible waste and refuse

26. (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

Dust

27. The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

Combustible or flammable substances and sweeping compounds

28. (1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process is prohibited.

Accumulations in chimneys, flues and ducts

29. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

Sources of ignition

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30. (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

Smoking

31. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and **"No Smoking"** signs must be displayed as directed by the controlling authority and the signs must comply with **SABS 1186: Part 1**.
- (2) A person may not remove a **"No Smoking"** sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

Electrical fittings, equipment and appliances

- 32 (1) A person may not cause or permit an electrical supply outlet to be overloaded.
- (2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

Flame-emitting device

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33. No person may cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7

FIRE HAZARDS

Combustible material

34. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

Lighting of fires and burning of combustible material

35. (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Burning may take place on state land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes, provided that the prior approval is obtained from the controlling authority, which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in **Schedule 3**.
- (5) No person may enter a municipal nature reserve area, whilst in possession of any flammable substances, fireworks, lighters or matches.

CHAPTER 8

REGULATION OF FIREWORKS

Designation of places and conditions for fireworks to be discharged

36. (1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.

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- (2) The municipality 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, designate such private open space as a place where fireworks may be discharged.
- (3) The list of places designated in terms of **subsections (1) and (2)** or any amendment thereof must be published by the municipality.
- (4) The municipality may impose conditions as to the dates on which, periods or time and hours when the discharge of fireworks may take place on any designated area and may further impose conditions as to the manner of discharge.
- (5) A person who fails to comply with any condition imposed in terms of **subsection (4)** commits an offence.

Control of Fireworks

37. (1) No person may light, ignite or detonate fireworks in any place where animals are present.
- (2) No person, under the age of 16 may purchase fireworks from any retail dealer, or possess any fireworks, or light or ignite any fireworks.
- (3) Unless so authorised in terms of **section (36)**, no person may light or ignite fireworks on any day or at any time, except as stipulated in **(a) to (k)** below:
 - (a) New Year's Eve from 23h00 to 01h00;
 - (b) New Year's Day from 19h00 to 22h00;
 - (c) Hindu New Year from 19h00 to 22h00;
 - (d) Lag b'omer from 19h00 to 22h00;
 - (e) Chinese New Year from 19h00 to 22h00;
 - (f) Human Rights Day from 19h00 to 22h00;
 - (g) Freedom Day from 19h00 to 22h00;
 - (h) Guy Fawkes' Day from 19h00 to 22h00;
 - (i) Diwali from 19h00 to 22h00;
 - (j) Christmas Eve from 19h00 to 22h00; and
 - (k) Day of Goodwill from 19h00 to 22h00.

Dealing in fireworks

38. (1) No person may deal in fireworks, unless:
 - (a) that person holds the required fireworks license in terms of the **Explosives Act**; and
 - (b) has written authority from both the South African Police Services and the Chief Fire Officer.
- (2) Any person who wishes to obtain the written authority of the Chief Fire Officer, to deal in fireworks, as contemplated in **subsection (1)** must;

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- (a) complete an application in the form and manner determined by the South African Police Services and the council; and
 - (b) submit it to the Chief Fire Officer, together with the prescribed fee, at least 30 days, before the authority is required by the applicant.
- (3) The Chief Fire Officer, may cancel any written authority to deal in fireworks, if the holder of the authority contravenes or fails to comply with any provision of this by-law or any other applicable law or any stipulated conditions of approval, upon written notice to that effect to the holder of the authority.

Application to present fireworks display

39. (a) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation, by completing and submitting an application in the form and manner determined by council, together with the prescribed fee and the following documentation:
- (i) written proof of authorisation from the South African Police Services, where so required;
 - (ii) a letter of consent from the owner or person responsible for the property on which the proposed fireworks display is to be presented; and
 - (iii) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fall-out of the fireworks.
- (b) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 30 days before the date of the proposed fireworks display.

Approval of firework displays

40. No person may present any fireworks display unless:
- (a) written authorisation has been obtained from the Chief Fire Officer, on behalf of council;
 - (b) written approval for the holding thereof has been received from the South African Police Services.;
 - (c) the display is under the person's supervision and control at all times;
 - (d) a suitably qualified explosives expert from the South African Police Services is in attendance at the display during its entire duration;
 - (e) the responsible person has ensured that:
 - (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
 - (ii) measures are in place to prevent any person, who is not involved in the presentation of the display from entering such launching area.

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- (f) a pyrotechnician is present at all times and is responsible for the discharge of fireworks at such display.

Authority to present a fireworks display:

41. (a) If an application to present a fireworks display is approved, the Chief Fire Officer, must provide the applicant with written confirmation of such decision, along with any conditions that may be imposed to safeguard persons and property, after a public participation process had been followed.
- (b) The Chief Fire Officer, may require that the fireworks display be presented only on suitable premises designated by the council and under the supervision and control of an official designated by council.
- (c) The Chief Fire Officer, may order the cancellation of any fireworks display:
- (i) should an applicant fail to comply with any of the conditions of approval;
or
- (ii) should local conditions dictate that the holding of such a display pose a serious risk of fire and safety of the community.

Seizure of fireworks

42. A designated official of council, may take into his possession any fireworks found by him in contravention of **sections 36 to 41** and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

CHAPTER 9

FIRE SUBSTANCES

Application of this Chapter

43. Notwithstanding the provisions in either the **Hazardous Substances Act** or the **Occupational Health and Safety Act**, this **Chapter** regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

Storage and use of a flammable substance

44. (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the municipality, in accordance with the **National Building Regulations**, and a copy of the approved plan must be available at the site where the installation is being constructed.

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- (2) Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the **National Building Regulations (T1), SABS, 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1, 3 and 7** (whichever is applicable) in the presence of the controlling authority.
- (3) Notwithstanding **subsection (2)**, the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, to be pressure-tested in accordance with the provisions of the **National Building Regulations (T1)**.
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use;
 - (i) a flammable gas in excess of 19 kilogram, or
 - (ii) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority.

Flammable substance certificate

45. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 44(6), must submit an application to the controlling authority as prescribed in the **Schedule 2** of this by-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the **National Building Regulations (T1)** as well as additional requirements set out in this by-law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 44(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the

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quantity or class of the flammable substance requires it to be changed or when section 44(5) applies.

- (5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, it must act in terms of **sections 4(2) or 6(1) and section 7** of this by-law.
- (6) Notwithstanding **subsection (5)**, when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, and order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (8) A flammable substance certificate is valid only;
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue, and
 - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

Permanent or temporary above ground storage tank for a flammable liquid

46. (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with;

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- (a) if it has a capacity not exceeding 9000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with **SABS0131: Part 1** and **SABS0131: Part 2** whichever is applicable, and
 - (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding **section 44(1)**, if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the municipality for approval in terms of the **National Building Regulations (T1)**.
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.

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- (11) Symbolic safety signs depict **"No Smoking"**, **"No Naked Lights"** and **"Danger"** must be provided adjacent to a tank, and the signs must comply with **SABS 1186: Part 1**.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in **SABS 0232: Part 1**.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with **SABS 0108** and **SABS 089: Part 2**.

Underground storage tank for a flammable liquid

47. The installation of underground storage tanks, pumps, dispensers and pipe work at service stations and consumer installations must be in accordance with **National Building Regulations (T1)** read in conjunction with **SABS 0400**, **SABS 089: Part 3** and **SABS 0131: Part 3**.

Bulk storage depot for flammable substances

48. The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the **National Building Regulations (T1)**, read in conjunction with **SABS 089: Part 1**.

Small installations for liquefied petroleum gas

49. Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with **SABS 087: Part 1**.

Liquid petroleum gas installation in mobile units and small non-permanent buildings

50. A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with **SABS 087: Part 2**.

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The fuelling of forklift trucks and other LP gas operated vehicles

51. The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with **SABS 087: Part 8**.

The storage and filling of refillable liquid petroleum gas containers

52. Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with **SABS 087: Part 7**.

Bulk storage vessel for liquid petroleum gas

53. The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the **National Building Regulations (T1)**, read in conjunction with **SABS 087: Part 3**.

Termination of the storage and use of flammable substances

54. (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must;
- (a) within seven days of the cessation, notify the controlling authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and
 - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the municipality within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must

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apply in writing to the controlling authority to fill the tank with liquid cement slurry.

Reporting accidents

55. If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

Flammable stores

56. (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400;
- (a) the roof assembly of a flammable store must be constructed on a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
- (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
- (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the municipality and must comply with the following requirements;
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
- (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre

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- above roof height or at least 3,6 metres above ground level, whichever is the greater;
- (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two hour fire resistance at the point of exit from a flammable store; and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the **National Building Regulations (T1)** read in conjunction with **SABS 0400**, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
 - (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with **SABS 1253**.
 - (8) Notwithstanding the **National Building Regulations (T1)** read in conjunction with **SABS 0400**, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
 - (9) No other electrical apparatus may be installed in the flammable store.
 - (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipe work leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "**Foam Inlet**" in 100 millimetre block letters.
 - (11) Racking or shelving erected in the flammable store must be of non-combustible material.
 - (12) The flammable store must be identified by the words, "**Flammable Store**" "**Bewaarplek vir Vlambare Vloeistowwe**" or "**Isitoro Indawo Yokugeina Izixhobo Ezithatha Lula Umlilo**", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
 - (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
 - (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
 - (15) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
 - (16) Any hand tool used in the flammable store must be intrinsically safe.
 - (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure;
 - (a) within seven days of the cessation, notify the controlling authority in writing thereof;

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- (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe; and
 - (c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

Container handling and storage

- 57.
- (1) All flammable substance containers must be kept closed when not in use.
 - (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
 - (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
 - (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
 - (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
 - (6) An empty flammable liquid container must be placed in a flammable store.
 - (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open; provided that;
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and;
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use; and
 - (iii) when the floor area exceeds 10m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;

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- (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
 - (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with **SABS 1186: Part 1**; and
 - (g) fire-fighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

Spray rooms and booths

58. A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the **General Safety Regulations** promulgated in terms of the **Occupational Health and Safety Act**.

Liquid petroleum gas containers

59. (1) A liquid petroleum gas container must be manufactured maintained and tested in accordance with **SABS 087: Part 1** and **SABS 019**.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilograms, must be filled and stored in accordance with **SABS 087: Part 7**.

CHAPTER 10

TRANSPORTATION OF DANGEROUS GOODS

Dangerous goods certificate

60. (1) The operator of a vehicle designed for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the **National Road Traffic Act**.
- (2) An operator of a vehicle mentioned in **subsection (1)**, must submit an application to the controlling authority as prescribed in **Schedule 2** of this by-law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) with the requirements of **SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518**, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, it must instruct an operator of

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a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with **subsection (1)**, as well as the dangerous goods certificate.

- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of **section 4(2)** or **6(1)** and **section 7** of this by-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in **subsection (1)**, unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in **subsection (1)**, unless the operator meets the requirement in **subsection (7)**.
- (9) A dangerous goods certificate is valid only;
 - (a) for the vehicle for which it was issued;
 - (b) for the state of the vehicle at the time of issue, and
 - (c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in **subsection (1)** for inspection at all times.
- (11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

CHAPTER 11

GENERAL PROVISIONS

State Bound

61. This by-law binds the State and any person in the service of the State.

Offences and penalties

62. (1) Any person who:
- (a) contravenes any of the provisions of this by-law or fails to comply therewith; or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the **Fire Brigade Services Act**.

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- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

Repeal of laws and savings

63. (1) The by-law specified in **Schedule 1** is hereby repealed to the extent indicated in the third column of **Schedule 1**.
- (2) In the event of any conflict between the provisions of this by-law and the provisions in any other legislation, the provisions of this by-law prevail.
- (3) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a by-law repealed in subsection (1), within six months prior to the commencement of this by-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this by-law.

Short title and commencement

64. This by-law is called the Community Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

Repeal of laws and savings

PROVINCIAL NOTICE	SUBJECT	EXTENT OF REPEAL
PN 587/1982	By-law of the Fire Brigade Services	Whole

SCHEDULE 2

Forms

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application

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- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. POPULATION CERTIFICATE APPLICATION

For Official use only

Permanent/Temporary **(Delete which is not applicable)**
 Application No. _____
 File No. _____



STELLENBOSCH MUNICIPALITY

Population Certificate Application


Application for a Population Certificate is made in terms of Section 21 (1) of the Community Fire Safety By-law.

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Name of applicant:						Telephone No.									
						Cell No.									
Name of business						Telephone No.									
						Cell No.									
Type of business, e.g. bar, nightclub etc:															
Erf No:															
On what floor of the building is the venue situated i.e. ground, 1 st etc?															
Street address:															
Suburb						Code									
Details of Premises															
How many floors does the building have?								How many floors are occupied by the venue for which this application is being made?							
Square metres of usable area per floor of venue						Expected Population									
Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Number of exits per floor									
Indicate exits per floor separately in the blocks below															
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	
<ol style="list-style-type: none"> 1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations. 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person I charge must apply for a new certificate. 															
Signature of applicant															
Print Name															
Date															
Address															
For Controlling Authority: (Signature)															
Print Name															
Date															
A certificate fee of R_____ is payable to Stellenbosch Municipality in respect of this application and the subsequent inspection.															

STELLENBOSCH MUNICIPALITY COMMUNITY 2013 FIRE SERVICES BY-LAW


B. POPULATION CERTIFICATE

<p style="text-align: center;">For Official use only</p> <p>Permanent/Temporary (Delete which is not applicable)</p> <p>Application No. _____</p> <p>File No. _____</p>	 STELLENBOSCH MUNICIPALITY
Population Certificate	
This population certificate is issued in terms of Section 21 of the Community Fire Safety By-law.	
Name of certificate owner:	Telephone No.
	Cell No.
Name of certificated business	Telephone No.
	Cell No.
Occupancy:	
Erf No:	
The venue is situated on the _____ floor of the premises (ground, 1 st , 2 nd etc)	
Street address:	
Suburb	Code
Details of Premises	
Number of floors in the building	Number of floors occupied by the venue
Square metres of usable area per floor of venue	Approved Population
	Number of exits per floor Indicate exits per floor separately in the blocks below
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Maximum population per floor	
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
<ol style="list-style-type: none"> 1) The certificate is issued in terms of Section 21 of the Community fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued. 	
For Controlling Authority: (Signature)	
Print Name	
Date	

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E. DANGEROUS GOODS CERTIFICATE APPLICATION

For Official use only			
Application No. _____		STELLENBOSCH MUNICIPALITY	
File No. _____			
<u>Dangerous Goods Certificate application in respect of flammable materials</u>			
Application for a dangerous goods certificate in terms of the National Road Traffic Act (No. 93 of 1996)			
Address of Operator			
Name of operator:			
Trading as:			
Erf No:			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
Erf No.:			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
Remarks:			
Operator (signature			
Address:		Print name:	
Telephone No.:		Fax No.:	

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For controlling authority: (signature)

FOR OFFICIAL US ONLY

A certificate fee is payable to Stellenbosch Municipality in respect of this application and the subsequent inspection.

Signature of receiving official: _____


Date:

Name of receiving official: _____

Designation:

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F. DANGEROUS GOODS CERTIFICATE

<p style="text-align: center;">For Official use only</p> <p>Application No. _____</p> <p>File No. _____</p>	 STELLENBOSCH MUNICIPALITY
<p><u>Dangerous Goods Certificate application in respect of flammable materials</u></p> <p>Dangerous goods certificate in terms of the National Road Traffic Act (No. 93 of 1996)</p>	
<p>This certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of SABS 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.</p>	
Name of operator:	
Trading as:	
Erf No:	
Street address:	
Suburb:	Code
City	
<p>Details of vehicle for which a certificate of registration is required</p>	
Type or class of vehicle	
Vehicle Registration No.	
Dangerous Goods Registration number	
Tare	
Load	
Make	
Number of tanks	
Capacity of tanks	
Year of manufacture of tank	
Engine No. (if applicable)	
Chassis No.	
Quantity of flammable substance to be conveyed	
Flammable liquid (<i>l</i>)	
Flammable gas (<i>kg</i>)	
Flammable solid (<i>kg</i>)	
<p>This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.</p>	
<p>This certificate is issued by Stellenbosch Municipality and is valid until: _____</p>	
<p>Date of renewal: _____</p>	
<p>Date of expiry: _____</p>	
<p>Controlling Authority (signature): _____ Date of issue: _____</p>	

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Name of issuing official (Print Name): _____ **Designation:**

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SCHEDULE 3

Applicable legislation

With reference to section 35(4)

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Environmental Management : Air Quality Act, 2004	Act 39 of 2004
National Environmental Management : Biodiversity Act, 2004	Act 10 of 2004
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 26 of 1998

SCHEDULE 4

SABS Codes of Practice and Specifications

SABS Code	Title
SABS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and combined water capacity not exceeding 3000l per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SABS 0105: Part 1	The classification, use and control of fire fighting equipment Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.

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SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.

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

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CHAPTER 1 GENERAL

1. Definitions

In this By-law, unless inconsistent with the context-

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“**accredited person**” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

“**applicable standard specification**” means the standard specifications as listed in **Schedule 2** attached to this By-law;

“**certificate of compliance**” means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“**client**” used as synonym for “consumer” in relation to premises means:

- (i) any occupier thereof any other person with whom the Municipality has contracted to supply or is actually supplying electricity to; or
- (ii) If such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises.

“**credit meter**” means a meter where an account is issued subsequent to the consumption of electricity;

“**electricity installation**” means an electrical installation as defined in the Regulations;

“**high voltage**” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n < 220\text{kV}$ [SANS 1019];

“**low voltage**” means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500V). [SANS 1019]

“**the law**” means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

“**medium voltage**” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{kV} < U_n < 44\text{kV}$ [SANS 1019];

“**meter**” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

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“motor road, total connected” means the sum total of the Kw, input ratings of all the individual motors connected to an installation;

“motor rating” means the maximum continuous kW output of a motor as started on the maker’s rating plate;

“motor starting current” in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;

“Municipality” means the Municipality of Stellenbosch established in terms of **section 12** of the **Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**, published in **Provincial Notice 5642** dated **4 December 2000** and includes any political structure, political office-bearer, councillor, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, or employees;

“occupier” in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein; or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

“owner” in relation to premises means the person in whom is vested the legal title thereto; provided that-

- (a) In the case of immovable property -
 - (i) leased for a period of not less than 50 (FIFTY) years whether the lease is registered or not, the lessee thereof ;or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as herein before defined –

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- (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or
- (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and
- (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property;

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

“point of consumption” means a point of consumption as defined in the Regulations;

“point of metering” means the point at which the consumer’s consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the municipality or the electrical installation of the consumer, as specified by the municipality or any duly authorised official of the Municipality; provided that it shall meter all of, and only the consumer’s consumption of electricity;

“point of supply” means the point determined by the Municipality or any duly authorised official of the municipality at which electricity is supplied to any premises by the municipality;

“premises” means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

“prepayment meter” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

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“**Regulations**” means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

“**safety standard**” means the Code of Practice for the Wiring of Premises SANS 0142-1 incorporated into the Regulations;

“**service connection**” means the cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

“**service protective device**” means any fuse or circuit breaker installed for the purpose of protecting the Municipality’s equipment from overloads or faults occurring on the installation or on the internal service connection;

“**standby supply**” means an alternative electricity supply not normally used by the consumer;

“**supply mains**” means any part of the Municipality’s electricity network;

“**tariff**” means the Municipality’s tariff of charges of charges for the supply of electricity; and

“**token**” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

“**voltage**” means the root-mean-square value of electrical potential between two conductors.

2A. Other terms

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All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and safety Act, 1993 (Act 85 of 1993), as amended.

2B. Abbreviations

kVa –Kilo Volt Ampere

A – Ampere

Kw – Kilo Watt

Mm² – square millimetre

AC – alternating current

DC – direct current

3. Heading and titles

The headings and titles in this By-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4. Provision of electricity services

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the municipality.

5. Supply by agreement

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No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this By-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in **section 44** of this By-law.

6. Service of notice

- (1) Any notice or other document that is served on any person in terms of this By-law regarded as having been served-
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal services is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) when any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

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7. Compliance with notices

Any person on whom a notice duly issued or given under this By-law is served shall, within the time specified in such notice, comply with its terms.

8. Application for supply

- (1) Application for supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVa. Of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of the electricity is required in order to facilitate the work of the Municipality.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for as a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorised official of the municipality which may specify any special conditions to be satisfied in such case.

9. Processing of requests for supply

Applications for the supply of electricity will be processed and the supply made available within the period stipulated in NRS 047.

10. Way leaves

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality's written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid

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exists, as the case may be, authorising the laying or erection of a service connection thereon.

- (2) If such permission is withdrawn at any time or aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alternation required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

11. Statutory servitude

- (1) Subject to the provision of Subsection (3) the Municipality may within its municipal area:
- (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality construct, erects or lays any electricity supply mains on, across, through, over or under any street or immovable property not owned by the Municipality or under the control or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.

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- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

12. Right of admittance to inspect, test and or do maintenance work

- (1) The Municipality shall, through its employees, contractors and their assistants and adviser, have access to or over any property for purposes of-
- (a) doing anything authorised or required to be done by the Municipality under this By-law or any other law;
 - (b) inspecting and examining any service mains or anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this By-law or any other law; and
 - (e) enforcing compliance with the provisions of this By-law or any other law.
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by Subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

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- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in Subsection (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

13. Refusal or failure to give information

No person shall refuse or fail to give such information as may be reasonably require of him/her by any duly authorised official of the Municipality or render any false information to any official regarding any electricity installation work completed or contemplated.

14. Refusal of admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this By-law or of any duty connected therewith or relating thereto.

15. Improper use

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the

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disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection on shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity tariffs and fees

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

17. Deposits

The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit shall not be regarded as being in payment or part payment of any account due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this By-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the to the consumer.

18. Payment of charges

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity services as approved by the Municipality. A copy of the prescribed tariff is obtained free of charge from the Municipality.
- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

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- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of Subsection (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of disconnection.
- (5) After disconnection for non-payment of an account, prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is reconnected.

19. Interest on overdue accounts

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. Principles for the resale of electricity

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by Standard South Africa and supplied, installed and programmed in accordance with the standards of the municipality.
- (2) The tariff, rates and charges at which and conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser

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been supplied directly with electricity by the Municipality. Every reseller shall finish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

21. Right to disconnect supply

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-law and /or the Regulations are being contravened, provided the Municipality has given the person 14 (FOURTEEN) days notice to remedy his/her default and the person has failed to remedy such default after notice has been given, or in the case of a grave risk to person or property, or as envisaged in terms of section 26 of this By-law, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

22. Non-liability of the Municipality

The Municipality shall not be liable for any loss or damage from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

23. Leakage of electricity

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Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

24. Failure of supply

The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electricity installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in the addition to the cost of making good repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid .

25. Sets of the Municipality

The meter, service protective devices and all apparatus belonging to the municipality shall be sealed or locked by a duly authorized official of the Municipality, and no person not being an official of the Municipality duly authorized thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks .

26. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper or interference with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.
- (2) Where prima facie evidence exist of a consumer and/or any person having contravened Subsection (1) , the Municipality shall have the right to disconnect the supply of electricity immediately and without

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prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.

- (3) Where a consumer and/or any person has contravened Subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimate consumption.

27. Protection of Municipality's supply mains

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –
- (a) construct, erect or lay, or permit the construction, erection or laying of any building structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains ;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from;
 - (e) the owner or occupier shall limit the heights of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property of this purpose .

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- (2) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building structure or other object constructed, erected or laid in contravention with this By-law.
- (3) The Municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the cost involved where such protection is supplied by the Municipality.

29. Unauthorised connections

No person other than a person specifically authorized thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

30. Unauthorised reconnections

- (1) No person other than a person specifically authorized thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installations or installations, which has or have been disconnected by the municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of

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electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.

Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary disconnection and reconnection—

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee herein before referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

32. Temporary supplies—

It shall be a condition of the giving of any temporary supply of electricity, as defined in this By-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work—

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

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34. Load reduction—

- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of Subsection (1), and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of Subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in Subsection (2).

35. Medium and low voltage switchgear and equipment—

- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorised official of the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the Municipality and installed by or under the supervision of any duly authorised official of the Municipality
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer

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shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

36. Substation accommodation—

The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

37. Wiring diagram and specification—

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

38. Standby supply—

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No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply, except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

39. Consumer's emergency standby supply equipment—

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

40. Circular letters—

The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this By-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3

RESPONSIBILITIES OF CONSUMERS

41. Consumer to erect and maintain electrical installation—

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall

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be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this By-law and the Regulations.

42. Fault in electrical installation—

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

43. Discontinuance of use of supply—

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

44. Change of occupier—

- (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he/she shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of Section 5 of this By-law, and if he/she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of Section 5 of this By-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or

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not.

45. Service apparatus—

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

46. Service connection—

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises

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shall be determined by the Municipality or any duly authorised official of the Municipality.

- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality.
- (7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.
- (8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (9) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the

individual circuits shall be clearly identified (tied together every 1,5 m) throughout their length.

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47. Metering accommodation—

- (1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5

SYSTEMS OF SUPPLY

48. Load requirements—

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Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

49. Load limitations—

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

50. Interference with other persons' electrical equipment—

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. Supplies to motors—

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors—

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The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors—

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6 × full-load current)	Ster/Delta (2,5 × fullload current)	Ster/Delta (2,5 × fullload current)
mm ²	A	kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

- (3) Consumers supplied at medium voltage—

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

52. Power factor—

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- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with Subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his/her own cost, install such corrective devices.

53. Protection—

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 6

MEASUREMENT OF ELECTRICITY

54. Metering—

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of Section 58(2) of this By-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

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- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

55. Accuracy of metering—

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in Subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall—
- (i) in the case of a credit meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering; in accordance with the provisions of Subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of Subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of Subsection (2) or (3), such adjustment shall either be based on the percentage error of the

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meter as determined by the test referred to in Subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

- (7) When an adjustment is made as contemplated in Subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under Section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of Subsection (6), the Municipality shall—
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 (TWENTY-ONE) days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in Subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in Subsection 9(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of Subsection (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such

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representations do not establish a case warranting an amendment to the monetary value established in terms of Subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of Subsection 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of Section 62 of the Municipal Systems Act, 2000.

56. Reading of credit meters—

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 (SIX) months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this Section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

57. Prepayment metering—

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

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- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the Section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7

ELECTRICAL CONTRACTORS

58. In addition to the requirements of the Regulations the following requirements shall apply:
 - (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
 - (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised

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official of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this By-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

59. The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8

COST OF WORK

60. The Municipality may repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this By-law, shall be to the account of the person who acted in contravention of this By-law.

CHAPTER 9

PENALTIES

61. A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to:
- (1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
 - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

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- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

SCHEDULE 1 BY-LAWS REPEALED

TITLE OF BY-LAW	EXTENT OF REPEAL
Stellenbosch Municipality: Amended Electricity Regulations, promulgated under PN 330/1930	The whole
Stellenbosch Municipality: Standard Light Regulations, promulgated under PN 394/1939	The whole
Stellenbosch Municipality: Repeal of Electricity Regulations relating to the wiring of premises, promulgated under PN 1/1942	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 409/1962	The whole
Stellenbosch Municipality: Standard Regulations relating to electricity supply, promulgated under PN 451/1963	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 465/1963	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 985/1966	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 393/1967	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations: Correction Notice, promulgated under PN 634/1967	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 887/1969	The whole
Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 1085/1970	The whole

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Stellenbosch Municipality: Amendment to the Electricity Regulations, promulgated under PN 892/1972	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 426/1974	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 1269/1975	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 332/1976	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 770/1976	The whole
Stellenbosch Municipality: Amendment to the additional By-law relating to the supply of Electricity, promulgated under PN 771/1976	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 31/1979	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law: Correction Notice, promulgated under PN 131/1979	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 591/1980	The whole
Stellenbosch Municipality: Amendment to the Electricity By-law, promulgated under PN 734/1982	The whole
Stellenbosch Municipality: Amendment to the Additional Electricity By-law, promulgated under in PN 216/1983	The whole
Stellenbosch Municipality: Amendment to the Additional Electricity By-law, promulgated under PN 676/1983	The whole
Stellenbosch Municipality: Electricity Supply By-law, promulgated under PN 416/1987	The whole
Franschhoek Municipality: Electricity Supply By-law, promulgated under PN 754/1988	The whole

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Franschhoek Municipality: Electricity Supply By-law, promulgated under PN 356/1995	The whole
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CHAPTER 10 REPEAL OF BY-LAWS

62. The By-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1

CONTRACT: ELECTRICITY SUPPLY BY-LAW-2004/HL/JS [2005-06-03] SCHEDULE 2

“**applicable standard specification**” means:

SANS 1019 Standard voltages, currents and insulation levels for electricity supply;

SANS 1607 Electromechanical watt-hour meters;

SANS 1524 Parts 0,1 and 2—Electricity dispensing systems;

SANS IEC 60211 Maximum demand indicators, Class 1.0;

SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 and 2);

SANS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply—Quality of Service;

NRS 048 National Rationalised Specification for the Electricity Supply—Quality of Supply; and

NRS 057 Electricity Metering: Minimum Requirements.

