

**EXTRACT OF THE AGENDA & MINUTES OF THE ORDINARY COUNCIL
MEETING DATED 07..OCTOBER,2009**

C/4/35/09/09	FIRE AND COMMUNITY SAFETY BY-LAWS	17/4/2/2
--------------	-----------------------------------	----------

Resolution C/4/35/09/09

FIRE AND COMMUNITY SAFETY BY-LAWS

Department: Community Services Demarcation: All Wards

File Ref: 17/4/2/2

Resolved

1. That the Eden District Municipal Fire and Community Safety By-Law be adopted, in principle, as the Draft Bitou Municipality Fire and Community Safety By-Law.
2. That the Draft Bitou Municipality Fire and Community Safety By-Law be subjected to public participation.
3. That the necessary capacity be created to enforce these by-laws.

Proposed: Ald E V Wildeman

Seconded: Cnlr N M Tanda

EDEN DISTRICT MUNICIPALITY

FIRE SAFETY BY-LAW

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Eden District Municipality, enacts as follows:-

Table of Contents

CHAPTER 1: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW

1. Definitions and interpretation

CHAPTER 2: PURPOSE AND APPLICATION OF BY-LAW

2. Purpose of by-law
3. Application of by-law

CHAPTER 3: ESTABLISHMENT OF A FIRE BRIGADE SERVICE

4. Establishment and maintenance of service
5. Objects of the Service
6. Reporting a fire hazard and other threatening danger
7. Administration and enforcement
8. Delegation
9. Chief fire officer
10. Instructions by members of service
11. Pretending to be member of service prohibited
12. Certificates to identify members of service
13. Wearing of uniform and insignia
14. Driving service vehicles
15. Duties and orders during emergency situations
16. Right of access to buildings and premises and issue of instructions
17. Interference with the Service
18. Furnishing of false information
19. Denial, suspension or revocation of an approval or a certificate
20. Records required, access to records and release of media statements
21. Failure to comply with provisions
22. Payment for services
23. Joint Fire Services Committee

CHAPTER 4: FIRE PROTECTION

Part A: Fire Protection for buildings and premises

24. General provisions
25. Design and construction of buildings
26. Design and construction of dumping sites
27. Design and construction of other structures and sites
28. Requirements for sprinkler systems
29. Requirements for extractor fan systems

- 30. Requirements for emergency exits
- 31. Requirement regarding fire doors and assemblies
- 32. Design, identification and access for fire-fighting and rescue purposes
- 33. Accessibility of fire-fighting equipment and fire installations
- 34. Barricading of vacant buildings
- 35. Fire protection for thatch roof structures

Part B: Fire fighting equipment

- 36. Installation and maintenance of fire-fighting equipment
- 37. Fire alarms and fire hydrants

Part C: Emergency evacuation plans

- 38. Chief Fire Officer may designate premises for emergency evacuation plans
- 39. Duties of owner or occupier of designated premises

Part D: Public gatherings

- 40. Prohibition of public gatherings in certain circumstances
- 41. Application for certificate of fitness
- 42. Requirements for certificate of fitness
- 43. Form and content of certificate of fitness
- 44. Duties of holder of certificate of fitness
- 45. Cancellation of certificate of fitness

Part E: Water supply for fire fighting purposes

- 46. Township development water supply requirements
- 47. Township development fire-extinguishing stream requirements
- 48. Township development fire hydrant requirements
- 49. Fire risk categories
- 50. Connections to water reticulation system

Part F: Prevention of fire hazards

- 51. Applicable legislation , permit procedures and norms and guidelines
- 52. Certain fires prohibited
- 53. Storage and accumulation of combustible material and overgrown premises or road reserves
- 54. Electrical fittings, equipment and appliances
- 55. Flame-emitting devices
- 56. Discard of flammable liquid or substance in sewers or drains
- 57. Flammable gas
- 58. Smoking restrictions and discarding of combustibles
- 59. Safety requirements for informal settlement areas

→ CHAPTER 5: REGULATION OF FIREWORKS

- 60. Designation of places and conditions
- 61. Discharge of fireworks
- 62. Dealing in fireworks
- 63. Seizure of fireworks

CHAPTER I: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW

1. Definitions and interpretation

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and *vice versa*, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates –

“above ground storage tank” means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

“agricultural holding” means a portion of land not less than 0,8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

“animal” means any animal that is kept for domestic, breeding, research, agricultural, resale, veterinary treatment or animal welfare purposes within the area of the controlling authority;

“approved” means as approved by the municipality;

“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;

“basement” in relation to a building, means any part of the building which is below the level of the ground storey;

“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 manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;
 - (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) or (b);
- (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, storm water 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;

“Eden District Municipality” means the Eden District Municipality established in terms of section 12 of the Municipal Structures Act, (Act 117 of 1998);

“Category B municipality” means a municipality within the area of jurisdiction of the Eden District municipality as contemplated in section 155(1) of the Constitution;

“certificate of fitness” means a certificate contemplated in section 41;

“certificate of registration” means a certificate contemplated in section 64;

Part F: Prevention of fire hazards

51. Applicable legislation, permit procedures and norms and guidelines

- (1) The municipality, taking cognisance of the provisions of the Environment Conservation Act, 1989, (Act No. 73 of 1989), the National Veld and Forest Fires Act, 1998, (Act No. 101 of 1998), the Conservation of Agricultural Resources act, 1983, (Act 43 of 1983) and the regulations made under these acts, adopts the provisions thereof in this part.
- (2) The municipality may determine and publish permit procedures, norms, standards and guidelines which describe appropriate measures for the submission and consideration of applications in terms of this by-law, and such procedures, norms standards and guidelines may be kept in the form of an operational manual.
- (3) The procedures, norms, standards and guidelines contemplated in subsection (2) may differentiate between communities, geographical areas and different kinds of premises.

52. Certain fires prohibited

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

53. Storage and accumulation of combustible material and overgrown premises or road reserves

- (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.

(5) No person, whether as owner or person in charge of land or premises, may allow any vegetation to become overgrown at such land or premises, including road reserves of roads under national or provincial control, to the extent that it may pose a fire hazard to any person, animal or property.

(6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by –

- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
- (b) pruning, chopping down or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.

(7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

54. Electrical fittings, equipment and appliances

(1) No person may cause or allow –

- (a) any electrical supply outlet to be overloaded; or
- (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.

(2) Any person who contravenes subsection (1) commits an offence.

55. Flame-emitting devices

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

(2) Any person who contravenes subsection (1) commits an offence.

56. Discard of flammable liquid or substance in sewers or drains

(1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.

(2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the chief fire officer.

(3) Any person who contravenes subsections (1) and (2) commits an offence.

57. Flammable gas

(1) No person may fill any balloon or other device with flammable gas without the written authority of the chief fire officer, and subject to such conditions as he may require after having regard to the circumstances of the specific case.

(2) Any person who contravenes subsection (1) commits an offence.

58. Smoking restrictions and discarding of combustibles

(1) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the controlling authority.

(2) A person may not remove or damage a "No Smoking" sign.

(3) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.

(4) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.

(5) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.

(6) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.

(7) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

(8) Any person who contravenes the provisions of this section commits an offence.

59. Safety requirements for informal settlement areas

In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained;
- (b) the settlement must be divided into blocks of not more 20 structures per block, with a minimum distance of 6 metres between blocks.

CHAPTER 5: REGULATION OF FIREWORKS

60. Designation of places and conditions

(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.

(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 in terms of its communication strategy.

(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.

61. Discharge of fireworks

(1) No person may discharge any fireworks outside an area designated by the municipality in terms of section 60.

(2) 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 the municipality together with the prescribed fee and a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fallout of the fireworks.

(3) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

62. Dealing in fireworks

- (1) No person may deal in fireworks unless -
 - (a) that person holds the required fireworks licence in terms of the Explosives Act; and
 - (b) has written authority from 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 -
 - (a) complete an application in the form and manner determined by the municipality; 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 any provision of this by-law.

63. Seizure of fireworks

- (1) A member of the Service may take into his possession any fireworks found by him in contravention of section 61(1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

CHAPTER 6: CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

64. Use, handling and storage of flammable substances prohibited in certain circumstances

- (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the chief fire officer in respect of the flammable substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -
 - (a) is used, handled or stored in a manner that ensures that -
 - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
 - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or

1/31/39
Draft

**BITOU MUNICIPALITY:
AIR POLLUTION CONTROL BY-LAW**

Under section 156 of the Constitution of the Republic of South Africa, 1996, the Bitou Municipality, enacts as follows:-

Table of contents

PART I: INTERPRETATION AND OBJECTIVES

1. Definitions
2. Purpose and objectives

PART II: DUTY OF CARE

3. Duty to take care

PART III: AIR POLLUTION CONTROL ZONE

4. Declaration of air pollution control zone

PART IV: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

5. Application
6. Prohibition
7. Installation of fuel-burning equipment
8. Operation of fuel-burning equipment
9. Presumption
10. Installation and operation of obscuration measuring equipment
11. Monitoring and sampling
12. Exemption

PART V: SMOKE EMISSIONS FROM DWELLINGS

13. Smoke emissions from dwellings

PART VI: EMISSIONS CAUSED BY OPEN BURNING

14. Emissions caused by open burning

PART VII: EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

15. Prohibition
16. Stopping of vehicles for inspection and testing
17. Testing procure
18. Repair notice

PART VIII: EMISSIONS THAT CAUSE A NUISANCE

19. Prohibition
20. Compliance notice
21. Steps to abate nuisance

PART IX: OFFENSIVE ODOURS

22. Control of offensive odours

PART X: DUST NUISANCE

23. Control of dust

PART XI: FUME NUISANCE

24. Control of fumes

PART XII: PESTICIDE SPRAYING EMISSIONS

25. Pesticide spraying emissions



*

PART IV
SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

5. Application

For the purposes of this Part, "premises" does not include dwellings.

6. Prohibition

- (1) Subject to subsection (2), smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

7. Installation of fuel-burning equipment

- (1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purposes of this section, by the municipality shall be presumed until the contrary is proved to comply with the provisions of subsection (1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
 - (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
 - (b) the municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

8. Operation of fuel-burning equipment

- (1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 7.
- (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1):
 - (a) the owner and occupier of the premises and the operator of the fuel-burning equipment shall each be guilty of an offence;

✓