

eThekweni, South Africa

## Fire

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# eThekweni South Africa

## Fire By-law, 2022

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**Commenced on 27 October 2022**

*[This is the version of this document from 27 October 2022 and includes any amendments published up to 9 May 2024.]*

To prescribe minimum standards to provide for the safety of life, property and the environment from the hazards created by fire, explosion and dangerous conditions; to regulate the use, storage and sale of fireworks within the Municipality; to provide a safe and healthy environment for all citizens residing within the municipality; to regulate the discharge of fireworks in public and private places with the aim of safeguarding residents and properties; to minimise the effects of fireworks on animals; provide for fire-protection services and emergency evacuation response plans; to regulate the use, handling, transport, supply and delivery of dangerous goods; to provide for a fire brigade service; to provide for offences and penalties; to provide for the repeal of laws and savings and to provide for and matters incidental thereto.

**WHEREAS** the Municipality has competence in terms of Part B of Schedule 4 of the [Constitution](#) relating to fire-fighting services;

**WHEREAS** everyone has the right to an environment that is not harmful to their health or well-being in terms of section [24 \(a\)](#) of the [Constitution](#);

**AND WHEREAS** there is a need to develop legislation regulating fire safety, the use, storage and sale of fireworks and other related matters within the Municipality;

**NOW THEREFORE** the Municipal Council of the eThekweni Metropolitan Municipality, acting in terms of section 156 read with Part B of Schedule 4 of the [Constitution of the Republic of South Africa](#), read with section 11 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), hereby makes the following By-law:

### Chapter 1 Interpretation

#### 1. Definitions

In this By-law, unless the context otherwise indicates—

"**aboveground storage tank**" means a tank situated above ground for the storage of combustible or dangerous goods;

"**authorised official**" means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section [334](#) of the Criminal Procedure [Act, No. 51 of 1977](#);
- (b) municipal or metropolitan police officer as contemplated in the South African Police Service Act, 1995 ([Act No. 68 of 1995](#)); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**"automatic releasing hold-open device"** means an automatic release mechanism activated by an automatic fire detection system or manually activated fire alarm system;

**"basement"** means that part of a building which is below the level of the ground floor storey and has access from a ground floor story;

**"boiling point"** means a temperature of a substance when the vapour pressure exceeds atmospheric pressure. At this temperature, the rate of evaporation exceeds the rate of condensation;

**"boundary"** means any lateral or street boundary of a site;

**"building"** means any—

- (a) 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 the—
  - (i) accommodation or convenience of human beings or animals;
  - (ii) manufacture, processing, storage or sale of any goods;
  - (iii) rendering of any service;
  - (iv) destruction or treatment of refuse or other waste materials; or
  - (v) cultivation or growing of any plant or crop;
- (b) wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) fuel pump or any tank used in connection therewith;
- (d) part of a building, including a building as contemplated in paragraph (a), (b), or (c); or
- (e) 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;

**"bulk depot"** means any premises defined as such in SANS 10089 relating to the handling, storage and distribution of Class 3 dangerous goods;

**"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 appointed by the Council in terms of Section 5 of the Fire Brigade Services Act and includes any person appointed as Acting Chief Officer, as contemplated in such Act;

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

**"combustible substance"** means any material capable of igniting and includes combustible refuse and combustible waste but excludes flammable substances;

**"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;

**"Commercial kitchen"** includes all kitchens, other than kitchens in dwelling houses or domestic residences, where commercial grade cooking equipment and appliances are used;

**"Competent Person"** means a person who is qualified by virtue of his or her education, training, experience and contextual knowledge to make a determination regarding the compliance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him or her in terms of the National Building Regulations or this By-law;



**"Competent person (fire engineering)"** means a person who—

- (a) is registered in terms of the Engineering Profession Act, 2000 ([Act No 46 of 2000](#)), as either a Professional Engineer or a Professional Engineering Technologist; and
- (b) is generally recognised as having the necessary experience and training to undertake rational assessments or rational designs in the field of fire engineering.

**"Complex"** means a group of similar buildings or facilities on the same site;

**"Constitution"** means the [Constitution of the Republic of South Africa, 1996](#);

**"consumer firework"** means an outdoor, low hazard, recreational fireworks which include the class of the explosives (1.4) that is sold to the general public for use;

**"container"** means any vessel used or intended to be used for the holding of a flammable liquid, but does not include the fuel tank of any motor vehicle or stationary internal combustion engine in normal use as such;

**"dangerous goods"** means any flammable liquid, solid or gas that is capable of posing a significant risk to health and safety, or to property or the environment during transportation, storage and use thereof. For the purposes of this by-law, the terms—

- a) **"dangerous"** and **"hazardous"** are synonymous; and
- b) **"goods"** and **"product"** are used interchangeably and, except where it is clear from the context that the normal dictionary meaning of a term is intended, they refer to dangerous goods, as defined above;

**"dangerous goods certificate"** means the certificate contemplated in section [38](#) of this By-law;

**"dealer"** means a wholesale dealer or retail dealer;

**"division separating element"** means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with SANS 10400;

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

**"emergency preparedness 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 which—

- (a) assigns responsibility to various staff;
- (b) indicates escape routes to be used; and
- (c) provides for general contingencies for a safe and quick evacuation from a building;

**"emergency evacuation plan"** means a diagram or floor plan showing the safest emergency exit routes from a building in the event of an emergency;

**"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;

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

**"Environmental Regulations"** means the Environmental Regulations made in terms of the Occupational Health and Safety Act, under GN R2281 in GG 10988 of 16 October 1987, as amended;

**"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;

**"excluded building"** means all single storey buildings of any occupancy type or building occupancy exclusions classified as H4, A3, A4 and H5 of the National Building Regulations;

**"Explosives Act"** means the Explosives Act, 1956 ([Act No. 26 of 1956](#)) as amended;

**"firebreak"** means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises and may consist of one or more of the following:

- (a) grass or vegetation that does not exceed 50mm in height;
- (b) a lawn or cultivated garden; or
- (c) road, driveway or other recognised servitude;

**"fireworks"** means any pyrotechnic substance contemplated in terms of Chapter 9 of the Explosives Regulations which—

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

**"Fire Brigade Services Act"** means the Fire Brigade Services Act, 1987 ([Act No. 99 of 1987](#)) as amended and any regulations made under that Act;

**"fire damper"** means a device that, when actuated by an appropriate detector, will automatically close an air duct and restrict the passage of fire, hot gases and smoke, which complies with the requirements as contained in SANS 193:2004 as amended;

**"fire door"** means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific period of time, as contained in SANS 1253;

**"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, as contained in the relevant SANS Codes of practice;

**"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 installations, equipment, systems, building elements or methods used in a building to achieve the fire safety requirements as contemplated in this By-law. Such provisions include active fire safety systems; smoke management systems and passive fire protection systems;

**"flammable gas"** means a Class 2, division 2.1 flammable gas, at 20°C and at a standard pressure of 101,3 kilopascals, as contemplated in SANS 10228 and SANS 10263;

**"flammable liquid"** means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at a closed cup flash point up to 100 °C and classified as Class 3 as determined in SANS 10228 which also includes a liquid within the following categories and classification criteria for flammable liquids as determined in SANS 10234 and SANS 10263: *see table 1*

Table 1 – Categories and classification criteria for flammable liquids

1	2	3
Category	Closed cup flash point	Initial Boiling Point(°C)
1.	<23(°C)	≤35 (°C)
2.	<23(°C)	>35 (°C)
3.	≥23≤ 60(°C)	>35 (°C)
4.	>60≤100 (°C)	>35 (°C)

**"flammable solid"** as contemplated in SANS 10228, means a solid that is—

- (a) easily ignited by external sources, such as sparks and flames;
- (b) readily combustible;
- (c) liable to cause, or contribute to a fire through friction; or
- (d) a desensitised or wetted explosive that can explode if not diluted sufficiently;

**"flammable store"** means a store that is used for the storage of dangerous goods;

**"flash point"** means the minimum temperature at which a liquid gives off enough vapours to form an ignitable mixture with air near the surface of the liquid;

**"General Safety Regulations"** means the General Safety Regulations made under the Occupational Health and Safety Act, under GN R1031 in GG 10252 of 30 May 1986, as amended;

**"Hazardous Substances Act"** means the Hazardous Substances Act, 1973 ([Act No.15 of 1973](#)) as amended;

**"inspector"** means a Chief Inspector of Explosives appointed by the Minister, or a peace officer of the Municipality appointed by the Chief Inspector of Explosives as an inspector under the Act;

**"Letter of authority"** means a letter issued by the Municipality indicating the compliance of the premises with current legislation and stipulating the conditions for its intended use;

**"Major Hazard Installation/establishment"** means an installation/establishment—

- (a) where more than the prescribed quantity of any substance is or may be kept whether permanent or temporarily; or
- (b) where any substance is produced, processed, used, handled, or stored in such a form and quantity that it has the potential to cause a major incident;

**"manifold"** means two or more containers are connected to each other on either side of the changeover device as described and illustrated in SANS 10087-1;

**"member"** means a member of the Service and includes the Chief Fire Officer;

**"motor vehicle"** means any self-propelled vehicle—

- (a) having an engine or motor as an integral part thereof or attached thereto;

- (b) which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on the road or on water of one or more persons or any material, item, substance, or object;
- (c) including, but not limited to, a trailer, motorbike, quad-bike, personal watercraft or earth-moving vehicle; and
- (d) excluding any motor vehicle or a vessel which is controlled by a pedestrian, or any motor vehicle with a mass not exceeding 230 kgs which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability;

**"Municipal Council"** or "council" means the eThekweni municipal council, a Municipal council referred to in section [157\(1\)](#) of the [Constitution](#);

**"Municipality"** means the eThekweni Municipality, a category A municipality as envisaged in terms of section [155\(1\)](#) of the [Constitution](#);

**"Municipal Manager"** means a person appointed in terms of section 54A of the Municipal Systems Act, ([Act No. 32 of 2000](#)) as the head of administration of the municipal council;

**"Municipal Structures Act"** means the Local Government: Municipal Structures Act, ([Act No. 117 of 1998](#)) as amended;

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, ([Act No. 32 of 2000](#)) as amended;

**"National Building Regulations"** means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 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 Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, ([Act No. 103 of 1977](#)) as amended;

**"National Road Traffic Act"** means the National Road Traffic Act, ([Act No. 93 of 1996](#)) as amended;

**"Non-combustible"** means a substance or material classified as non-combustible when tested in accordance with SANS 10177: 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 SANS 10400-T;

**"Occupational Health and Safety Act"** means the Occupational Health and Safety Act, 1993 ([Act No. 85 of 1993](#)) as amended;

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

**"owner"** means—

- (a) in relation to a motor vehicle—
  - (i) the person who has the right to the use and enjoyment of a motor vehicle in terms of the common law or a contractual agreement with the title holder of the motor vehicle;
  - (ii) any person referred to in sub-paragraph (i), for any period during which such person has failed to return that motor vehicle to the title holder in accordance with the contractual agreement referred to in sub-paragraph (i); or
  - (iii) a motor dealer who is in possession of a motor vehicle for the purpose of sale, and who is registered as such in accordance with the Regulations made under the National Road Traffic Act, 1996 ([Act No. 93 of 1996](#)) as amended; and
- (b) in relation to land—
  - (i) the person in whose name the land is registered with the Registry of Deeds;
  - (ii) the purchaser of the land, whether or not the land has been registered in the purchaser's name;
  - (iii) person in control of the land;
  - (iv) usufructuary, if the land is subject to a usufruct;
  - (v) occupier, tenant or user of the land;
  - (vi) authorised agent, assignee, curator, executor, judicial manager, legal representative, liquidator or trustee, as the case may be, of any person contemplated in subparagraphs (i) to (v); or
  - (vii) the person who receives or is who is entitled to receive the benefit of the land, if the Municipality is unable to establish the identity of any of the persons contemplated in subparagraphs (i) to (vi);

**"person in charge"** means in—

- (a) 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) 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) 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 contemplated in paragraph (a); and
- (d) the event of the Municipality being unable to determine the identity of a person contemplated in (a), (b) and (c), any person who is in the opinion of the Municipality deemed to be in charge of such premises, building or installation;

**"population"** means the population determined in accordance with the National Building Regulations (A21);

**"Population certificate"** means a certificate issued by the Municipality determining the safe population capacity of the venue intended to be used in terms of section 34 of this By-law or recognised standard acceptable to the municipality.

**"premises"** means any building, beach, land, terrain, road, and 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 or reserved for use by the public or the owners of erven (Erf) in such township;

**"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;

**"pump"** means a pump used or intended for use for the supply, delivery, propulsion or pumping of a flammable liquid or substance, and includes all apparatus, pipes and appliances used for or in connection therewith, but does not include pumps in bulk depots unless such pumps are used or intended to be used for the sale of such substances by retail;

**"rational design"** means any design by a competent person (Fire Engineering) involving a process of reasoning and calculation and which may include a design based on the use of a standard or other suitable document;

**"retail dealer"** means a person, including a juristic person, who sells or supplies fireworks to any person for use or consumption by that person and not for resale;

**"SANS"** means the South African National Standard;

**"service"** means a fire brigade service as defined in the Fire Brigade Services Act, 1987 ([Act No. 99 of 1987](#)) as amended;

**"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;

**"spraying booth"** means a single spray booth or any subdivision of or compartment in a spraying room when such subdivision or compartment is used or intended to be used for the purpose of spraying motor vehicles or other articles;

**"spraying room"** means any room or structure used or intended to be used for the purpose of spraying motor vehicles or other articles;

**"Standards Act"** means the Standards Act, 2008 ([Act No.8 of 2008](#)) as amended;

**"State"** means any—

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

**"storage tank"** means a tank used or intended to be used for the storage or conveyance of dangerous goods;

**"tank"** means a container mounted permanently or temporarily on or embodied in a motor vehicle and so constructed to be suitable for the containment of dangerous goods;

**"temporary installation"** means an installation that is erected for short-term supply purposes, that does not require permanent foundations and is not available for resale purposes, unless approved as such by the Municipality;

**"temporary structure"** means a structure usually found at events that includes but is not limited to a stage, set, barrier, fencing, tent and marquee, seating, lighting and special effect tower, platform and mast, video screen, TV platform and crane jib, dance platform, loudspeaker stack, signage and advertising boarding that is erected for an event and does not form part of the permanent structure of a venue;

**"tent"** means a portable or temporary structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by one or more poles or in any other any manner except by air or its contents;

**"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;

**"venue"** means any area or place, other than a stadium where an event is hosted, that has a seating or standing spectator capacity as prescribed by the SASREA [Act, No 2 of 2010](#), as amended, or as certified by a municipality, within which other permanent or temporary structures may be erected and which may be demarcated by an enclosed or semi-enclosed permanent or temporary structure; and

**"wholesale dealer"** means a person, including a juristic person, who supplies or sells fireworks to any other person or dealer for the purpose of resale.

## 2. Interpretation

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

## Chapter 2 Objects of By-law

### 3. Objects of By-law

The objects of this By-law are to—

- (a) create an effective system for managing fire risk and controlling dangerous goods;
- (b) regulate or prohibit certain activities or conduct in relation to dangerous goods;
- (c) provide measures to promote and ensure a fire-safe environment within the Municipality; and
- (d) regulate the use, storage and sale of fireworks within the Municipality.

## Chapter 3 Application

### 4. Application of By-law

This By-law applies to all properties, objects, things, land or premises located or situated within the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

## Chapter 4

### Prevention of fire hazards

#### 5. Prevention of fire hazards

- (1) A person may not—
  - (a) make a fire that is likely, or in a manner likely to endanger the safety of any person, animal, or property;
  - (b) burn any refuse or material—
    - (i) without the prior written permission of the Chief Fire Officer; or
    - (ii) unless such refuse or combustible material is burnt in—
      - (aa) a device made for this intended purpose; or
      - (bb) a part, area or fixture of or in the premises, designed or suitable for the safe burning of such refuse or material;
  - (c) use, handle or discard any flame-emitting device or product, including but not limited to matches, lighter, candle, lantern, torch or cigarette, in any manner that may create a fire hazard;
  - (d) cause, subject to the provisions of a By-law of the Municipality dealing with electricity—
    - (i) any electrical supply outlet to be overloaded; or
    - (ii) any electrical supply outlet, appliance, or extension lead to be used in any manner that may create or pose a fire hazard;
  - (e) cause or allow the accumulation of waste, refuse, rubble, dust or soot at any place in quantities sufficient to create a fire hazard;
  - (f) store any combustible substance in a manner that creates a fire hazard;
  - (g) use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid in any manner that may create or pose a fire hazard;
  - (h) allow soot or any other combustible substance to accumulate in any chimney, flue, or duct in such quantities or in any manner that may create a fire hazard; or
  - (i) allow any vegetation at any place under that person's control to cause or create a fire hazard.
- (2) A person may make a fire—
  - (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 the part of the premises set aside for that purpose; or
  - (c) in any device manufactured and designed for preparing food which is—
    - (i) heated by electricity, liquefied petroleum gas, coal, wood or any other approved fuel; or
    - (ii) positioned such that the fire is not likely to cause a fire hazard.
- (3) A person who makes any fire must take reasonable steps to ensure that such fire does not endanger the safety of any person, animal, or property.
- (4) The owner or person in control must always ensure that combustible substances and refuse on the premises is properly stored or disposed of to prevent a fire hazard in accordance with a By-law of



the Municipality dealing with waste removal or any other applicable law dealing with the storage and disposal of that specific type of combustible substance and refuse.

- (5) A person may not pile, stack or store cut or uncut timber, lath wood, firewood, sawdust, casks, barrels, wood pallets, card boxes, papers or any other similar combustible materials within such a distance from any furnace or any other place where fire is produced, and in such a manner that, it creates a fire risk.
- (6) Notwithstanding the requirements contained in section 49 of this By-law, a person may not pile, stack or store any flammable or combustible substance to a height exceeding 4 meters from the level of the ground, except where such piling, staking or storage of such substance is done in a safe, compact and proper manner.

### **Outdoor Storage**

- (7) Any flammable or combustible substance must be piled, stacked, or stored 200 millimeter off the ground within stack areas 6 meters by 3 meters by 4 meters high to the satisfaction of the Chief Fire Officer: Provided that where it is in the opinion of the Municipality that this method of storage is unachievable, wire mesh fencing of equal dimensions, bulk containers, or bags to the satisfaction of the Municipality may be used.
- (8) Each stack must be separated from adjoining stacks by an unobstructed pathway not less than 2 meters in width.
- (9) Stacks must be a minimum of 3 meters from any boundary wall and 6 meters from any building.
- (10) Individual stacks must be stacked in a compact and proper manner to the satisfaction of the Chief Fire Officer.
- (11) The entire site must be enclosed with a brick or pre-cast concrete wall not less than 2, 4 meters in height.
- (12) The area between the stacks and boundary wall must be kept entirely free of any obstruction.
- (13) The entire site must be kept free of unkempt and overgrown vegetation.
- (14) No person shall pile, stack or store timber or any other dangerous goods on sites subject to flooding unless a permit is granted by the Municipality based on the fact that the area to be utilized is above the 1 in 50-year flood occurrence level as determined by the Municipality from time to time.
- (15) The site must be provided with adequate fire protection systems as determined by the Chief Fire Officer.

## **6. Firebreaks**

- (1) An owner or occupier of an agricultural holding or farm or similar premises must clear and maintain a firebreak along every boundary of such agricultural holding or farm or similar premises.
- (2) A firebreak contemplated in subsection (1) must—
  - (a) be at least 5 metres wide when measured parallel from the boundary concerned; and
  - (b) contain no vegetation of more than 50 millimetres in height or combustible residue.
- (3) If an obstruction occurs within the boundaries of a firebreak, the owner or occupier concerned must clear and maintain a 5 metres wide firebreak around such obstruction.
- (4) Any person who intends to clear or maintain a firebreak by burning must—
  - (a) prior to such burning, apply in writing to the Chief Fire Officer on the prescribed form and make payment of the prescribed fee for permission to burn, stipulating the property concerned and the proposed date and time of the burning; and

- (b) Unless the burning is to be performed by a person or body accredited for this purpose by the Municipality, requests the service of the Municipality to provide assistance at the burning against payment of the prescribed fee.

## **7. Dealing with fireworks**

- (1) No person may deal in fireworks unless he or she holds a valid licence to manufacture, sell or deal in any explosives as envisaged in terms of the Explosives Act.
- (2) Notwithstanding the requirements of subsection 7(1), no person may manufacture, sell or deal in fireworks unless he or she holds a valid letter of authority issued by the Chief Fire Officer.
- (3) The letter of authority issued by the Chief Fire Officer holds validity for a period of twelve (12) months from the date of issue and must be applied for on the prescribed form and by making payment of the prescribed fee.
- (4) All fireworks must be kept, stored, packaged, sold, used, displayed, maintained, transported or in any other manner dealt with, in accordance with the provisions of the Explosives Act, and any other applicable law.

## **8. Prohibitions**

- (1) No person may allow or permit any child under the age of 16 years to handle or use fireworks, except under the supervision of an adult.
- (2) No person may ignite, discharge or explode any fireworks on any public road, residence, or private dwelling without the knowledge and consent of the occupant or owner of the property.
- (3) No person may point or direct a firework at any person, animal, building or motor vehicle where such firework is in the process of exploding or detonating.
- (4) No person may light or detonate fireworks in any place where animals are kept.
- (5) No person may terrify, cause stress or endanger the life of any animal with fireworks or by any other means.
- (6) No retail dealer may sell fireworks to the public other than the consumer fireworks, which contains low hazard explosives as prescribed in the Explosives Act;
- (7) No person may use any fireworks other than the consumer fireworks in any residence except on approved days as specified in Schedule 2 of this By-law.
- (8) No fireworks which fire a projectile horizontally may be allowed except those that are set up in such a way that the projectile will travel up into the air.

## **9. Requirements for handling and storage of fireworks**

- (1) Premises in which fireworks are handled must either have two exits or where only one exit is available, the fireworks must be kept at a point furthest away from the exit.
- (2) The doors to the exits must be kept unlocked and unbolted during trading hours and a clear passage must exist between the counters holding the fireworks and all exits, and no obstacles may be placed in these passages.
- (3) A dealer must have on the premises, a 9kg or 2 x 4,5kg dry chemical fire extinguisher/s per 100m<sup>2</sup> or part thereof, which must be serviced annually and be mounted in a readily accessible position or as determined by the Chief Fire Officer.
- (4) A retail dealer may keep on his premises no more than 500 kg (kilogram) gross mass of fireworks, provided that the fireworks, contained in their inner or outer packages, are kept on shelves or other fittings separated from goods of a flammable or combustible nature.

- (5) Fireworks in excess of a 1000 kilograms gross mass shall be stored in fireworks magazine built according to the specifications as provided for in Chapters 7 and 8 of the Explosives Regulations.
- (6) A dealer must not interfere with the inner packing of the fireworks or allow or permit it to be interfered with.
- (7) Fireworks must not be displayed in any window or any other places where such fireworks can be interfered with by the public.
- (8) Every retail dealer must affix—
  - (a) to the outside of his premises in a prominent position adjacent to every entrance, notices reading "Dealer in Fireworks"; and
  - (b) symbolic, "No Smoking" and "No Naked Light" signs in accordance with SANS 1186 in prominent positions inside the premises, in locations as determined by the Chief Fire Officer.
- (9) A retail dealer in fireworks must—
  - (a) not sell or allow or permit to be sold any firework to a child under the age of 16 years and must display a sign to this effect in a prominent location; and
  - (b) supply fireworks to the public only in the sealed inner packing as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition.
- (10) Every dealer and every person employed in or about the premises must—
  - (a) take all due precautions for the prevention of any accidents by fire;
  - (b) prevent unauthorised persons having access to the fireworks; and
  - (c) abstain from any act whatsoever which tends to cause fire.
- (11) Goods of a dangerous nature such as flammable liquids, acids, alkalis and the like must not be kept on the same premises together with fireworks and safety matches.
- (12) No person may smoke in, or take a naked light or flame emitting device into, premises where fireworks are kept, stored or being handled, nor may any person be allowed to do so.
- (13) Every person must, on premises where fireworks are kept, abstain from any act whatsoever which tends to cause fire.

## 10. Sale of fireworks

- (1) The Chief Fire Officer may at any given time cancel a letter of authority to deal in fireworks if the holder of the letter of authority contravenes or fails to comply with any provisions of this By-laws or any other applicable law or standard.
- (2) A retail dealer in fireworks, when purchasing or obtaining fireworks must demand from a manufacturer or a supplier, a properly executed, signed and dated invoice which the retail dealer must retain for a period of two years for production on demand by an authorised official.
- (3) A manufacturer or wholesale dealer must supply fireworks only to a retail dealer who is in possession of a valid licence issued in terms of the Explosives Act, and the number of such licence shall be quoted on the invoice.
- (4) The manufacturer or wholesale dealer must keep a register in which full particulars of each transaction is recorded. Such register must be kept up to date and be available for inspection at any time and must be kept for a period of two years.
- (5) A dealer must educate each employee and display a copy of the Act, the Explosives Regulations: "Fireworks" and Chapter 4, sections 7 to 13 of this By-law, including the conditions attached to his or her licence to deal in fireworks.

- (6) A dealer's premises may be inspected at any time by an authorised official.
- (7) Sale, distribution or storage of fireworks in or from a vehicle, trailer or temporary structure is prohibited.
- (8) Notwithstanding the provisions of this section, a dealer must comply with the provisions as specified in terms of the Explosives Act and its Regulations.

## 11. Designation of places and conditions

- (1) The Municipality may designate any public place or public road or any part thereof within the municipality as the only place at which fireworks may be discharged and may impose limitations for the discharge of fireworks in such a designated area.
- (2) In order to designate places where fireworks may be discharged, the Municipality must obtain the input or comments of—
  - (a) the ward councillor, who must consult the ward committee members in whose area of jurisdiction such a place to be designated falls; and
  - (b) persons or organisations that may be affected negatively by such designation.
- (3) The list of designated places and the conditions imposed by the Municipality in terms of subsections (1) and (2) or any amendment thereof must be published by the Municipality through the unit responsible for communicating with the public.
- (4) The Municipality may impose conditions as to the dates, periods of time and hours during which the discharge of fireworks may take place in any designated area and may further impose conditions as to the manner in which such fireworks may be discharged.

## 12. Discharge of fireworks

- (1) No consumer fireworks shall be discharged on any day or time except on those days and times declared by the Municipality as religious, cultural celebrations and other special days as specified in Schedule 2 of this By-law.
- (2) The Municipality may from time to time change the days and times for discharging fireworks as specified in Schedule 2 of this By-law.
- (3) Any person who wishes to present outdoor fireworks display in a public place, public road or designated area must apply to the Chief Fire Officer for authorisation by completing and applying on the prescribed form and making payment of the prescribed fee, together with—
  - (a) proof of written approval from the Chief of Explosives of the South African Police Service and Civil Aviation Authority of South Africa;
  - (b) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
  - (c) a sketch of the proposed venue for the fireworks display, indicating—
    - (i) the demarcated area for the discharge and fallout of the fireworks; and
    - (ii) whether any of the following are situated within 500 metres from the demarcated area being—
      - (aa) a hospital or clinic;
      - (bb) a veterinary surgery;
      - (cc) an animal welfare organisation and institutions;
      - (dd) an old age and nursing home;

- (ee) a service station and fuel depot;
  - (ff) industrial areas and warehouse areas; and
  - (gg) bulk storage installation for petroleum products or other flammable substances.
- (4) The Municipality may not approve an application where any of the institutions mentioned in subparagraph (3) (b) (ii) are situated within 500 metres radius as stated in items (aa) to (gg).
- (5) An applicant must publish notification to present a fireworks display in two local newspapers where the display is going to take place notifying residents of the intended display. Such notice must be in two dominant official languages of the area and must be placed for advertisement not less than seven days before the intended fireworks display.
- (6) The notice referred to in subsection (5) must contain the—
  - (a) name of the organization;
  - (b) date of display;
  - (c) time(s) and duration of display;
  - (e) location of display,

*[Please note: numbering as in original.]*

upon which the applicant intends to display fireworks.
- (7) The copy of a notice referred in subsection (5) must be submitted to the Chief Fire Officer at least 5 days prior to the intended display, failing which the display may not be held.
- (8) Any person who wishes to present an indoor fireworks display must apply to the Chief Fire Officer for authorisation by completing and applying in the form and manner determined by the Municipality together with proof of payment of the prescribed fee and the following documentation:
  - (a) proof of permission for the fireworks display from the Civil Aviation Authority of South Africa for outdoor displays;
  - (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives and an approval has been granted;
  - (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
  - (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks and fallout area of the fireworks.
- (9) The application, proof of payment of the 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.
- (10) Subsections (3), (4) and (5) are not applicable to indoor pyrotechnic displays.

### 13. Seizure of fireworks

- (1) An authorised official may seize any fireworks found by him or her in contravention of this By-law or any other applicable law.
- (2) Any item(s) seized by the authorised official in terms of subsection (1) must be dealt with in terms of the relevant provisions of the Criminal Procedure Act, 1977 ([Act No. 51 of 1977](#)) relating to search and seizure.

#### 14. Duty to report fires, spillages and dumping

- (1) In the event that any accident involving fire, spillage or dumping into sewers and drains which, owing to the nature, composition, location or quantity thereof is likely to cause a fire hazard on any premises, the owner or person in control must immediately report such fire or spillage or dumping to the Chief Fire Officer.
- (2) The Municipality may, upon report contemplated in subsection (1) dispatch one or more members of the Service to the premises, to extinguish a fire or to take any action necessary in such fire accident or emergency.
- (3) The owner or occupier of the premises contemplated in subsection (1) must take all reasonable measures to minimise or remedy any further harm, damage or loss resulting from such fire, spillage or dumping on the premises, to the satisfaction of the Chief Fire Officer.

### Chapter 5

#### Requirements for buildings and other structures

#### 15. Design and construction

- (1) Every building, with the exception of excluded buildings, must be designed and constructed in a manner that—
  - (a) provides for the—
    - (i) effective drainage of any water that may result from fireextinguishing activities; and
    - (ii) discharge of such water in a manner prescribed by the Municipal By-laws relating to Storm Water Management.
  - (b) prevents any water that may result from fire-extinguishing activities from draining -
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;
    - (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any motor vehicle access ramp leading to or from a building;
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, such water must be discharged in a manner prescribed by Municipal By-laws relating to Storm Water Management; and
  - (d) complies with the requirements of SANS 10400, Parts A, K, M, O, T, V and W, insofar as these relate to fire protection.
- (2) Every owner of a building which is equipped with a transformer room must ensure that—
  - (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building;
  - (c) there is adequate and ready access to the transformer room for firefighting and maintenance activities;
  - (d) all electrical systems are in compliance with electrical installation Regulation, SANS 10108, SANS 10142, Municipality's By-laws dealing with electricity reticulation and any other relevant SANS codes; and

- (e) the transformer room may be designed and constructed in accordance with other standards recognised by Municipality.
- (3) The following buildings or structures where applicable must be designed, constructed, or erected in such that they comply with a rational design as contemplated in the National Building Regulations and Building Standards Act including:
  - (a) grain silo;
  - (b) atrium;
  - (c) air traffic control tower;
  - (d) tower for telecommunications or other uses;
  - (e) thatched structure which is larger than 20m<sup>2</sup> and situated within 4.5metres of any boundary line of the property concerned;
  - (f) tent or other temporary structure for holding a public gathering;
  - (g) open-plan commercial or industrial premises with a covering distance that exceeds 45 metres, or 60 metres measured from any point in the premises to any escape or exit door; and
  - (h) where such buildings or anything unusual or obviously different is to be designed, it is important to rather satisfy the regulations by means of a rational design prepared by a competent person (Fire Engineering) in accordance with the provisions of the SANS 10400 – part T.

## 16. Provision for fire-fighting and rescue purposes

- (1) Every plan, design, construction, or erection in relation to any building must, subject to the provisions of the National Building Regulations and Building Standards Act and any applicable town planning scheme or the conditions of establishment of any township, be such that—
  - (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is to be provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
  - (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency—
    - (i) of dimensions at least 10 metres wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of appropriate metric tonnage for heavy emergency vehicles approved by the Municipality; and
  - (d) any entrance arch to the premises provides an opening with dimensions at least 4.5 metres wide by 5 meters high unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) Every owner or occupier of premises must ensure that the correct street number of the premises is displayed on the premises to allow easy identification by any member of the Service in an emergency.
- (3) The street number contemplated in subsection (2) must be—
  - (a) displayed clearly on the street boundary of the premises;
  - (b) visible from the street; and

- (c) maintained in a legible condition at all times.

## 17. Access for emergency vehicles

- (1) Any premises which, in the opinion of the Municipality, is not readily accessible from a public road for emergency purposes, must be provided with a suitable emergency vehicle access road dependant on the use, size or configuration of the premises and its relationship to the site on which it is located in order to support fire-fighting and rescue activities.
- (2) Notwithstanding the provisions in the National Building Regulations (T1), the premises contemplated in subsection (1) must comply with the following requirements:—
  - (a) an access road must be constructed such that it is capable of supporting the mass of any heavy emergency motor vehicle which may be required to be used in an emergency;
  - (b) a motorised or electronically operated gate must be equipped such 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—
    - (i) are set back more than 45 metres from a public road; or
    - (ii) exceed 9 metres in height and are set back over 15 metres from a public road;
  - (d) fire lanes must be at least 4.5 metres in width, the position of which must be decided upon after consultation with the Municipality, and the area from ground level to a clearance height of 5 metres above the fire lane must remain unobstructed, unless exempted from complying with paragraph (2)(c)(i)-(ii) by the Municipality; and
  - (e) where a cul-de-sac is more than 90 metres in length, consultation must take place between the owner and the Municipality to determine the most suitable turning access for emergency vehicles.
- (3) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Municipality.
- (4) A person may not park a motor vehicle in, or otherwise obstruct, a fire lane.

## 18. Escape routes

- (1) One or more escape routes must be provided in every building, to the extent required by, and in compliance with, the provisions of SANS 10400-T.
- (2) No person may obstruct or render less effective or inaccessible in any manner, any component which forms part of an escape route such as, but not limited to—
  - (a) feeder routes;
  - (b) access doors;
  - (c) emergency routes; and
  - (d) escape doors.
- (3) 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 as contemplated in SANS 10400-T.
- (4) An escape route must be clearly indicated with signage as contemplated in SANS 1186 an indication of the direction of travel in the event of fire or any other emergency.



## 19. Fire doors and assemblies

- (1) Subject to the provisions of SANS 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.
- (2) A fire door may only be kept open if it is equipped with an automatic release hold-open device approved by the Municipality.
- (3) A person may not render a fire door and assembly less effective by means of one or more of 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) disconnecting or rendering less effective an electric release mechanism; or
  - (e) remove, deface or otherwise tamper with the identification plate attached thereto.

## 20. Division, occupancy and tenancy separating elements

- (1) Every building must, to the extent applicable, comply with the division, occupancy and tenancy separating requirements as contemplated in SANS 10400-T.
- (2) Any division, occupancy or tenancy separating element contemplated in subsection (1) must comply with a minimum fire resistance threshold contemplated in SANS 10400-T.
- (3) An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would—
  - (a) render it less effective; or
  - (b) allow flame, heat, or combustion products to penetrate the adjacent compartment or structure.

## 21. Tents and temporary structures

- (1) In addition to the requirements as contemplated in SANS 10366 and any other Municipal By-law, a person may not erect or use a tent or temporary structure as an occupancy contemplated in the National Building Regulations (A20) without being in possession of a written approval by the—
  - (a) Municipality as contemplated in the National Building Regulations (A2); and
  - (b) Municipality as contemplated in section 34 of this By-law.
- (2) Any application for the written approval contemplated in subsection (1) must be made to the Municipality on a prescribed form obtained from the Municipality at least 30 days prior to the erection of the tent or temporary structure.
- (3) An application contemplated in subsection (1) must require the submission of—
  - (a) a statement of the period for which authorisation is required;
  - (b) a site plan;
  - (c) layout drawings in sufficient detail to enable the Municipality to determine the general size, form, materials of construction and use of the proposed building; and
  - (d) any structural detail required by the Municipality to determine the structural safety of the proposed building.

- (4) The Municipality may grant the authorisation contemplated in subsection (1) for a limited period, to be determined with regard to the period specified by the applicant.
- (5) The Municipality may at the request of the owner grant approval for one or more extensions of the period contemplated in subsection (3): Provided that where it is intended that the public should have access to such building each request must be accompanied by a certificate signed by an approved competent person, indicating that the condition of the structural system is satisfactory.
- (6) The tent or temporary structure erected or used in terms of this section must comply with the following requirements—
  - (a) it must be erected at least 4,5 metres from a boundary, combustible materials, and the Municipality may require that this distance be increased or decreased based on risk mitigation measures should the situation require it;
  - (b) where tents are erected adjacent to one another, an unobstructed minimum distance of 2 metres must be provided between them and where applicable, 4.5 metres between the stakes and guidelines of the adjacent tents, in order to ensure emergency motor vehicle access;
  - (c) the requirements set out in the National Building Regulations (T1) must be complied with in relation to the following—
    - (i) where the population of a tent exceeds 240 people there should be no less than 3 fire exits provided with the appropriate widths;
    - (ii) where a tent is occupied during the hours of darkness, emergency lighting must be provided;
    - (iii) seating arrangements and aisle dimensions as per SANS 10400 or any other Standard acceptable by the Municipality; and
    - (iv) the provision of portable fire extinguishers as per SANS 10400.
  - (d) the population density of a tent or temporary structure must comply with the National Building Regulations (A21) excepting where a rational design in terms of Part T (1) and (2) is approved by the Municipality;
  - (e) combustible waste or combustible refuse may not be stored within 10 metres of a tent or temporary structure other than in a manner approved by the Municipality;
  - (f) Indoor pyrotechnics may not be discharged within a tent or temporary structure other than in a manner approved by the Municipality;
  - (g) where Liquefied Petroleum Gas is used, handled, or stored, such use, storage or handling must conform to the requirements of SANS 10087;
  - (h) all tents and temporary structures must be secured so as to prevent collapse under all anticipated conditions;
  - (i) structural stability certificate issued by a structural engineer registered with the engineering council, is required for the tent or temporary structure exceeding 500 square metres;
  - (j) any device using an internal combustion or ignition compression motor must be so placed to prevent—
    - (i) the ingress of exhaust gases into the tent or temporary structure;
    - (ii) injury to persons; and
    - (iii) damage to property;
  - (k) cooking may only be carried out in the tent or temporary structure in a manner approved by the Municipality;

- (l) no open fire is permitted in a tent or temporary structure: Provided that any other flame emitting device or practice, such as but not limited to, a candle, lantern, or torch or cooking appliance may be permitted after approval by the Municipality;
  - (m) no open fire is permitted within 5 metres of a tent, stake, or guideline of a tent;
  - (n) smoking is prohibited in a tent and "No Smoking" signage must be prominently displayed at each entrance. The "No smoking" signage must comply with SANS 1186;
  - (o) the installation of lighting and wiring in a tent or temporary structure must be certified by a competent person as being in compliance with the applicable regulations, codes, and standards; and
  - (p) any other requirement as deemed necessary by the Municipality for the safety of the occupants and public.
- (7) If any plans and details contemplated in subsection (3) have not been submitted to the Municipality, or if the Municipality has refused to grant approval in respect thereof, the owner must immediately remove or demolish such structure.
- (8) The materials used, and internal finishes associated with the structure must be of a type that is shown to comply with the requirements applicable to restricting the spread of flame across such material or finishes, as intended by a standard acceptable to the Municipality.
- (9) Where required by the Chief Fire Officer, all combustible materials such as draping, combustible stage decors or any other combustible decorative finishes must be fire retarded in a manner acceptable to the Municipality.
- (10) No dangerous, combustible, toxic gases, or other allied product such as aerosols, explosives or pyrotechnics must be stored within a tented structure.
- (11) Persons other than the contractor's staff or those under the contractor's supervision shall not be admitted to a tented structure until it is deemed structurally complete and safe.
- (12) The area underneath stages, platforms must not be used for storage.
- (13) Rubbish must not be allowed to accumulate underneath stages, such areas must be inspected daily to ensure conformity.
- (14) Exit routes must be always kept free from obstruction.
- (15) When any person is in a tented or temporary structure, the exit doors must not be locked and must comply with SANS 10366.
- (16) Continual reference should be made to weather forecasting services. Contingency plans must be in place to evacuate tents when wind speeds approaching the maximum service gust speed are forecast.

## 22. Extraction fan systems for commercial kitchens

Any commercial kitchen extraction or ventilation system must comply with the provisions of SANS 1850 *"The design and manufacture of commercial kitchen extraction/ventilation systems"*.

## 23. Problem buildings

- (1) Subject to the Problem Buildings By-law of the eThekweni Municipality and to the extent of its applicability, the owner of a building or a portion thereof that is vacant or unused must, at his or her own cost and to the satisfaction of the Chief Fire Officer—
- (a) remove all combustible substances from the building that are not integral parts of the building structure;

- (b) block, seal or otherwise secure all windows, doors, and other openings in the building in a manner that will prevent the creation of any fire hazard caused by the entering of the building by any unauthorised person; and
  - (c) cause such building or portion thereof to be inspected at reasonable regular intervals, to ensure that no conditions exist or develop that may cause a fire hazard, while it remains vacant or unused.
- (2) Failure to implement reasonable measures as contemplated in subsection (1), the owner or person in charge of any vacant or unused building or a portion thereof, as contemplated in this section, is accountable to the Municipality and other relevant Authority for any fire related incident or damage on such building or portion thereof.

## 24. Major Hazard Installations

- (1) Any installation classified as a Major Hazard Installation (MHI) must comply with the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act, 1993 ([Act No. 85 of 1993](#)).
- (2) Where more than one Major Hazard Installations or establishments exist within a complex, the owner of the land/Agent/Body corporate must be required to submit to the Municipality an accumulative risk assessment for such complex.
- (3) The Owner/Agent/Body corporate of the complex as contemplated in subsection (2) must take be responsibility for the Safety of the entire complex and develop an emergency plan for the complex.
- (4) The Owner/Agent/Body corporate of the complex as contemplated in subsection (2) must ensure that Companies intending to develop within the complex comply with the MHI regulations.
- (5) All registered Major Hazard Installations within the Municipality must be inspected on an annual basis or whenever there is a need as determined by the Municipality.
- (6) The Municipality may request for any relevant documentation to be submitted as proof of the appropriate management of the Major Hazard Installation as may be deemed necessary.
- (7) Where the effects of radiant heat release, overpressures from explosions and toxic release of any dangerous goods poses an offsite risk, the Municipality must enforce the provision of mitigation measures to reduce the effects of such risk.

### Notification of Installation

- (8) Every owner/ person in charge must notify the Municipality in writing of—
  - (a) the erection of any installation that will be a major hazard installation, prior to commencement of erection thereof;
  - (b) the conversion of any existing installation into a major hazard installation, prior to such conversion; and
  - (c) the decommissioning of any MHI or part thereof.
- (9) The owner or person in charge must notify the Municipality within 60 days of the promulgation of the Major Hazard Installation Regulations of an existing Major Hazard Installation.
- (10) The owner or person in charge must not modify an installation by increasing or reducing its storage or production capacity or altering the process or by effecting any other change that may alter the risk of an existing major hazard installation, without notifying the Municipality in writing.
- (11) Where any changes as contemplated in subsection (8) are anticipated, the owner or person in charge must submit a risk assessment concluding on the MHI status.

- (12) The information submitted by the owner or person in charge in terms of subsection (8), (9) and (10), must include—
- (a) the physical address of the installation;
  - (b) the complete safety data sheets of all substances that resulted in the installation being classified as a major hazard installation;
  - (c) the envisaged maximum quantity of such substance that may be on the premises at any one time;
  - (d) the conclusive risk assessment of the major hazard installation as contemplated in Major Hazard Installation Regulation 5(1); and
  - (e) any further information that may be deemed necessary by the Municipality in the interests of the health and safety of the public.
- (13) The owner or person in charge must advertise the notifications contemplated in subsections (8), (9) and (10) in at least two local newspapers serving the communities in the vicinity of the installation which is to be declared a major hazard installation, a proposed major hazard installation or an existing installation which is to be modified, and by way of notices posted within those communities.
- (14) The owner or person in charge of an existing major hazard installation must notify all the neighbouring facilities within the impact zone with a personalised letter containing the results of the major hazard risk assessment.
- (15) The owner or person in charge must, after consultation with the relevant health and safety representative or relevant health and safety committee, carry out a risk assessment at intervals not exceeding five years and submit such risk assessment to the Municipality.
- (16) The owner or person in charge must make available on the premises a copy of the latest risk assessment for inspection by the Municipality.

#### **Risk Assessment**

- (17) The owner or person in charge must ensure that the risk assessment contemplated regulation 5(5) (a) of the Major Hazard Installation Regulations, must be carried out by an Approved Inspection Authority (AIA) registered with Department of Employment and Labour and accredited by South African National Accreditation System (SANAS) which is competent to express an opinion as to the risks associated with the major hazard installation.
- (18) (a) The owner or person in charge must ensure that the risk assessment required is reviewed forthwith if—
- (i) there is reason to suspect that the preceding assessment is no longer valid;
  - (ii) there has been a change in the process involving a substance resulting in the installation being classified a major hazard installation or in the methods, equipment or procedures in the use, handling, or processing of that substance; or
  - (iii) after an incident that has brought the emergency plan into operation or after any near miss.
- (b) Where the risk assessment has been updated the owner or person in charge must submit five bound colour copies and an electronic version of the updated risk assessment to the Municipality within 60 days of the expiry date of the existing Risk Assessment.
- (c) Upon receipt of the decision notice from the Municipality, the owner or person in charge must respond to a decision notice within 60 days.

- (d) Should the owner or person in charge fail to respond to a decision notice within the stipulated time frame, the Municipality may take the steps as contemplated in section 76 in the interests of the health and safety of the public.
- (19) The owner or person in charge must ensure that the risk assessments be made available for scrutiny by any interested person or any person that may be affected by the activities of a major hazard installation, at a time and place and in a manner agreed upon between the parties.
- (20) The Municipality shall take a neutral position upon receiving a written dispute from interested and affected parties and make arrangements to discuss the nature of the dispute and areas of concern between the two parties, where this process is unsuccessful the Municipality may not approve the Major Hazard Installation application.

#### **On site emergency plan**

- (21) The owner or person in charge of the Major Hazard Installation must—
  - (a) establish an on-site emergency plan to be followed within the premises of the installation or part of the installation classified as a major hazard installation in consultation with the relevant health and safety representative or the relevant health and safety committee;
  - (b) discuss the emergency plan with the Municipality, taking into consideration any comment on the risk related to the health and safety of the public;
  - (c) review the on-site emergency plan and, when necessary, update the plan, in consultation with the Municipality, at least once every three years;
  - (d) sign a copy of the onsite emergency plan by an appointee as stipulated in the Occupational Health and Safety Act, 1993 in the presence of two witnesses, who shall attest the signature;
  - (e) ensure that the onsite emergency plan is always readily available for implementation and use;
  - (f) ensure that all employees are conversant with the onsite emergency plan; and
  - (g) cause the onsite emergency plan to be tested in practice at least once a year in the presence of the Municipality and keep a record of such test.
- (22) An owner or person in control of a pipeline that could pose a threat to the general public must inform the Municipality and must jointly with the Municipality establish and implement an emergency plan along the route of the pipeline.
- (23) No person/entity is allowed to conduct an excavation activity of any means within the Major Hazard Installations (MHI) pipeline servitude without obtaining a wayleave approval from relevant authority.

#### **Reporting of risk and emergency occurrences**

- (24) The owner or person in charge of a major hazard installation must—
  - (a) subject to the provisions of regulation 6 of the General Administrative Regulations, inform the Municipality within 48 hours by means of telephone, facsimile, email, or any other means necessary of the occurrence of a major incident or an incident that brought the emergency plan into operation or any near miss;
  - (b) submit a report in writing to the Municipality within seven days;
  - (c) investigate the root cause and submit to the municipality a full report with proposed preventative measures to prevent reoccurrence of a similar incident/accident accompanied by a reviewed emergency plan and reviewed MHI risk assessment report; and
  - (d) record all near misses in a register kept on the premises, which must at all times be available for inspection by the Municipality.

- (25) Any installation or establishment which is classified as major hazard installation that affects or cause a neighbouring facility to become a major hazard installation because of an MHI threshold effect with intolerable risk would not be permitted in terms of this By-law.

## **Chapter 6**

### **Fire-protection systems**

#### **25. Fire extinguishers, hydrants and fire hose reels**

- (1) The owner or occupier of premises must ensure that fire extinguishers, fire hydrants and fire hose reels are provided and installed on any premises, to the extent required by the National Building Regulations and Standards Act and the Occupational Health and Safety Act, in accordance with the National Building Regulations (T1) and (T2), the General Safety Regulations, Environmental Regulations and any other applicable Regulations.
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 11601, SANS 1572 - and SANS 10105: Part 1.
- (3) In the event that fire extinguishers are removed from their station for the purposes of filling, recharging, reconditioning, modification, repair, inspection or testing, the competent person providing such service must temporarily replace them with similar appliances in good condition.
- (4) The owner or occupier of the premises must notify the Municipality if the competent person failed to replace the fire extinguishers that have been removed for servicing.
- (5) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired, or tested in any area where such action would create a fire hazard.
- (6) Where it is necessary to remove fire extinguishers from a building, removal must be evenly distributed and not more than 50 percent of the available fire extinguishers on any floor or any area shall be removed from service at any one time. Extinguishers so identified must not be removed from the immediate vicinity of the site, unless the extinguishers so removed are substituted by serviceable fire extinguishers of an equivalent capacity and type.
- (7) Fire hose reels and hydrants must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Act, 1993, SANS 543: Part 1, SANS 1128, SANS 1475 Part 2 and SANS 10105: Part 2.
- (8) A person may not—
  - (a) fill, recharge, modify, repair, inspect or test a fire extinguisher unless that person is a holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee;
  - (b) use, remove or interfere with any fire-protection system or component thereof except for purposes of authorised inspection, service or repair or for use in fire-fighting or emergency; or
  - (c) alter, damage, misuse or render ineffective any fire-protection system or component thereof at any premises.

#### **26. Fire detection and alarm systems**

A fire detection or alarm system used in the detection of fire must comply with SANS 10400 — Part T where applicable and must be designed, installed, and maintained by a competent person.



## 27. Sprinkler systems

Notwithstanding the requirements of eThekweni Municipality By-law dealing with water, a sprinkler system required by the provisions of SANS 10400 must be designed, constructed, installed, and maintained by a competent person, such that it complies with the specific requirements stipulated in SANS 10400 (Parts A, T and W), insofar as these sections relate to fire protection.

## 28. Fire hydrants

- (a) Notwithstanding the requirements of eThekweni Municipality By-law dealing with water, fire hydrants and fire horse reels must be provided in compliance with SANS 10400; and
- (b) Where hydrants are provided, such hydrants must be located and maintained in such a manner that they are immediately accessible and usable by members of the fire service.

## 29. Water supply for fire-fighting purposes

- (a) The owner of land or the person in charge of a building, development or construction on any land must ensure that a sufficient water supply is provided on such land or premises for fire-fighting purposes by members of the fire service as contemplated in SANS 10252-1 and SANS 10400.
- (b) Any person contemplated in paragraph(a) above must ensure that—
  - (i) the water storage capacity and rate of replenishment or supply thereof are sufficient for fire-fighting purposes;
  - (ii) there is at least nine kilolitres of water capacity at a construction site at all times, at 300 kilopascal pressure and flow rate of 0.5litre per second; and
  - (iii) a sufficient number of hose reels at a construction site as practicable or where deemed necessary by the Municipality must be provided.
- (c) The provisions of the SANS 10400 Part A, T & W, and the Water By-law of the Municipality applies with regards to the provision of water supply for firefighting purposes on any premises.

## 30. Passive fire protection systems

Where required by the National Building Regulations and SANS 10400, passive fire protection systems shall be specified, designed, installed and maintained under the supervision of a competent person who must provide the required certification in relation to the requirements above.

## 31. Testing and maintenance of fire protection systems

- (1) The owner or person in control of a building must ensure that fire protection systems in such building are installed, inspected, tested, and maintained on a regular basis by a competent person, registered with the relevant controlling body recognised by the municipality, as specified in table 2 below and must keep a detailed service record of the test and maintenance of the system for examination by the Municipality.

Table 2 – Schedule for Testing and maintenance of fire protection systems



Type of equipment	Maintenance/Test interval	Reference Code or design specification
Portable fire extinguishers	12 months	SANS 10400-T2 (1)(a); SANS 1475-1
Fire Hose Reels	12 months	SANS 10400-T2 (1)(b); SANS 1475-2; SANS 0543
Fire Hydrants	12 months	SANS 10400-T2 (1)(b); SANS 1475-2; SANS 1128
Sprinkler Systems/Drenchers	Weekly/12 months/3 yearly	SANS 10400-T2(1)(b) SANS 10287 or other standards recognised by the Municipality
Fire alarm and detection systems	Varies as per SANS10139	SANS 10139 and Manufacturers Specifications
Smoke Management Systems	6 Monthly Test/ 12 Monthly Service	Manufacturers specifications
Emergency Lighting / Emergency Power Supply	Monthly	Manufacturers Specifications
Commercial Kitchen extraction systems	6 monthly	SANS 1850
Water reticulation system	12 Months	SANS 10400
Gaseous, powder and foam systems	12 Monthly	SANS 14520 and Manufacturers Specifications

- (2) Before a test on a system or component designed or installed to alert occupants to a fire condition as contemplated in subsection (1) is carried out, the owner or person in charge must notify the occupants of the premises of the commencement and completion times of such test.
- (3) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.
- (4) The person who inspects services or repairs any fire protection system or equipment must—
  - (a) on completing the inspection, service or repairs as the case may be,—
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish such certificate to the owner of the premises; or

- (b) if the equipment or installation cannot readily be repaired to a functional state, notify the owner and Chief Fire Officer in writing of any outstanding defects and action required for the reinstatement of such equipment.
- (5) The owner or person in charge of the premises must, without delay cause any defects identified or outstanding maintenance as contemplated in subsection (4), to be attended to so as to ensure that the fire protection equipment is fully functional at all times.
- (6) The owner or person in charge of the premises must immediately notify the Municipality when—
  - (a) the fire protection system, or a component thereof, is rendered inoperable or taken out of service; and
  - (b) the system is restored.
- (7) In the event that the fire protection system is rendered inoperable or taken out of service, as contemplated in subsection (6), the owner or person in charge of the premises must take all practicable steps to provide alternative equipment or measures to maintain the level of safety on the premises.

### **32. Interference with fire-fighting equipment and fire protection system**

A person may not—

- (a) tamper or interfere with fire-protection systems;
- (b) do anything that will render such fire-protection system less effective or inaccessible, except as may be necessary during emergencies, maintenance, drills, or prescribed testing; or
- (c) service, install or maintain any fire protection system unless such person is registered with the relevant controlling body recognised by the Municipality.

## **Chapter 7**

### **Emergency preparedness plan**

### **33. Emergency preparedness plan**

- (1) The owner or person in charge of—
  - (a) a school;
  - (b) a hospital;
  - (c) a residential institution;
  - (d) a hotel;
  - (e) a hostel;
  - (f) a guest house; or
  - (g) any other occupancies as determined by the Municipality,which has a population more than 25 persons, including staff, must formulate an emergency preparedness plan which must be developed in accordance with this By-law detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening emergency and submit it to the Municipality as directed by an authorised official.
- (2) 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, the emergency evacuation plan must indicate the location of the rooms, the escape routes from such rooms to all emergency exit

points and such emergency evacuation plan must be displayed in a conspicuous position in any rooms, designed for sleeping purposes.

- (3) The Municipality may order the owner or person in charge of premises, to formulate an emergency preparedness plan contemplated in subsection (1).
- (4) The plan contemplated in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building or occupancy within the building for which the emergency preparedness plan was formulated has changed and any such revision must be submitted to the Municipality as contemplated in subsection (1).
- (5) An emergency preparedness plan must be tested in its entirety at least every 12 months and a record of the testing must be kept in a register.
- (6) The register contemplated in subsection (5) (b) must contain the—
  - (a) date and time of the test;
  - (b) number of participants;
  - (c) outcome of the test and any corrective actions required; and
  - (d) name and signature of the person supervising the test.
- (7) The register, together with the emergency preparedness plan, must be available on the premises for inspection by the Municipality.
- (8) The Municipality may evaluate the formulation and implementation of the emergency preparedness plan and may officially communicate any recommendations or remedial actions to improve or rectify such plan.
- (9) A floor plan of a facility contemplated in subsection (1) must always be displayed conspicuously in every passage or storey, indicating the—
  - (a) direction of the entrance and exit points;
  - (b) emergency exit points;
  - (c) position of assembly point; and
  - (d) position of fire equipment.

## Chapter 8

### Prevention and control of overcrowding

#### 34. Population certificate and grading certificate

- (1) The owner or person in charge of premises classified as A1, A2, A4, A5 and C1 in the National Building Regulations Section A20, may not cause or allow such premises to be used for entertainment or public assembly, without being in possession of a Population certificate issued by the Municipality.
- (2) Notwithstanding the provisions of subsection (1), the municipality may instruct the owner or person in charge of premises other than those mentioned in subsection (1) above to apply for a Population certificate, should it be intended to use such premises for purposes of entertainment or assembly.
- (3) An application for a Population certificate contemplated in subsections (1) and (2) must be made to the Municipality on the prescribed form not less than seven (7) days ahead of the date of such intended use.
- (4) The Municipality may request any information from the applicant which it deems necessary in order to process any application contemplated in subsection (1).

- (5) A temporary Population certificate is valid for a period not exceeding 30 calendar days from date of issue.
- (6) The Municipality may not issue the temporary or permanent Population certificate if the premises do not comply with the requirements of the National Building Regulations (T1).
- (7) A Population certificate is valid only for the premises or portion of the premises for which it was issued.
- (8) In the event that changes of occupancy occur or alterations are made to the premises for which the certificate was issued, shall render the certificate invalid and the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (3).
- (9) A Population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued and a notice in large print stating "THIS PREMISES IS CERTIFIED TO ACCOMMODATE A MAXIMUM OF \_\_\_\_ PERSONS" must be displayed at the entrance to the premises.
- (10) The owner or the person in charge of the premises must ensure that use of the premises complies with all conditions or requirements specified in but not limited to the Population certificate.
- (11) The owner or the person in charge of the premises must provide for a means of establishing the number of persons occupying the premises at any given time and must make such determination available to an authorised official on request.
- (12) Where premises are found to exceed the population authorised in terms of the Population certificate, the owner or person in charge of the premises shall be guilty of an offence and must immediately take action to reduce the population which is specified on the Population certificate when instructed to do so by an authorised official.
- (13) Where a stadium (A5) or venue is required to apply for a grading certificate in terms of the Safety at Sports and Recreation Events Act 2010 ([Act 2 of 2010](#)), a stadium or venue owner, as the case may be, must annually and at least 30 days before the expiry of an existing safety grading certificate in respect of a stadium or venue apply in writing on the prescribed form to the Municipality for a safety grading certificate in respect of that stadium or venue.

### **35. Attendance by service**

- (1) When the Municipality is of the opinion that a service is required to be in attendance during a function or activity contemplated in sections 34, one or more members of the Service may be provided, together with any necessary motor vehicle or equipment, to be in attendance on such premises for the duration of such function or activity or part thereof.
- (2) When the attendance of a service contemplated in section 35(1) involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 83.

## **Chapter 9 Dangerous goods**

### **36. Application of this Chapter**

Notwithstanding the provisions of the Hazardous Substances Act, 1973 and the Occupational Health and Safety Act, 1993, this Chapter regulates dangerous goods in the local government sphere in so far as to prevent and reduce fire hazards or other threatening dangers.

### **37. Issuing of Dangerous Goods Certificate**

- (1) No person may on any premises use, handle or store or permit to be used, handled, or stored quantities of dangerous goods more than the quantities referred to in table reflected under subsection (2) below unless and until the person is in possession of a Dangerous Goods Certificate provided for in this by-law in respect of the specific quantities and appropriate devices on approved premises.
- (2) The person in control of a business on or in which a dangerous goods are used or being supplied from a common or individually metered installation, more than the quantities referred to in table 3 below shall be required to be in possession of a Dangerous Goods Certificate as contemplated in subsection (1).

Table 3 – Dangerous Goods Class; Products and Quantities:

Dangerous goods class	Product	Quantity
Class 1: Explosives		
Class 1	Fireworks	No exemption
Class 2: Gasses		
Class 2.1	Flammable gas	Total quantity may not exceed 100 Kg
Class 2.2	Non-Flammable gas	Total quantity may not exceed 333 Kg
Class 3: Flammable liquids		
Class 3.1	Closed cup flash point < 23°C and initial boiling point ≤ 35 °C	Total quantity may not exceed 210 Lt
Class 3.2	Closed cup flash point < 23°C and initial boiling point > 35 °C	Total quantity may not exceed 500 Lt
Class 3.3	Closed cup flash point ~ ≥ 23 ≤ 60°C and initial boiling point > 35°C	Total quantity may not exceed 1000 Lt
Class 3.4	Closed cup flash point > 60 ≤ 100°C and initial boiling point > 35°C	Total quantity may not exceed 1000 Lt
Class 4: Flammable solids		
Class 4.1	Flammable solids	Total quantity may not exceed 250 Kg
Class 4.2	Pyrophoric substances	No exemption
Class 4.3	Water reactive substances	No exemption
Class 5: Oxidising agents and organic peroxides		

Class 5.1	Oxidisers	Total quantity may not exceed 250 Kg
Class 5.2	Organic peroxides	Total quantity may not exceed 250 Kg
Class 5.2	Organic peroxides	Total quantity may not exceed 250 Kg
Class 6: Toxic and infectious substances		
Class 6.1	Group I toxic substances	Total quantity may not exceed 5 Kg
Class 6.2	Group II toxic substances	Total quantity may not exceed 50 Kg
Class 6.3	Group III toxic substances	Total quantity may not exceed 500 Kg
Class 6.4	Infective substances	No exemption
Class 7: Radioactive materials		
Class 7	Radioactive materials	No exemption
Class 8: Corrosives		
Class 8.1	Group I acids in packets	Total quantity may not exceed 50 Kg
Class 8.2	Group II acids in packets	Total quantity may not exceed 200 Kg
Class 8.3	Group III acids in packets	Total quantity may not exceed 1000 Kg
Class 8.4	Group I alkaline substances in packets	Total quantity may not exceed 50 Kg
Class 8.5	Group II alkaline substances in packets	Total quantity may not exceed 200 Kg

Class 8.6	Group III alkaline substances in packets	Total quantity may not exceed 1000 Kg
Class 9: Miscellaneous substances		
Class 9	Liquids	Total quantity may not exceed 210 Lt
	Solids	Total quantity may not exceed 250 Kg
	Multi Load (Transport)	No exception

- (3) The owner or person in charge of premises used or intended to be used to store, process, or handle a dangerous goods must, when required by the municipality, submit a plan of the installation and associated facilities for approval, prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent.
- (4) A plan contemplated in subsection (3) must be drawn to a scale of not less than 1:100 (one is to one hundred)—
  - (a) indicating the proposed installation or room in which the dangerous goods are to be stored, used or handled;
  - (b) describing the material with which such installation or room is or is to be constructed; and
  - (c) indicating the location and position of the installation or room where any dangerous goods are to be used, handled or stored such as a pump, storage tank, store, pipeline, dry cleaning machinery or spraying room or booth, as the case may be.
- (5) A copy of the approved building plan must be available at the site where the installation is being constructed.
- (6) Prior to the commissioning of any installation in excess or below the quantities as stipulated in Table 3, the intended usage, handling or storage of any dangerous goods installations and associated pipework, the owner or person in charge of the installation must ensure that such installation complies with the provisions of—
  - (a) National Building Regulations (T1);
  - (b) SANS 10131;
  - (c) SANS 10089 - 1 and 3;
  - (d) SANS 10087 - 1, 3 and 7;
  - (e) SANS 10228;
  - (f) SANS 10229 - 1 and 2;
  - (g) SANS 10263 - 0, 2, 5 and 8;
  - (h) SANS 310; or
  - (i) Other relevant Standards acceptable by the Municipality.
- (7) Where required by the Municipality, compliance with the provisions of the Codes, Standards or Regulations in subsection (6) above must be certified by a competent person and a record of such



certification must be kept by the owner or person in charge of the installation for examination by an authorised official when requested.

- (8) Notwithstanding the provisions of subsection (6), the Municipality may require an existing aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of subsection (6).
- (9) Prior to the alteration or modification of the premises in respect of which a Dangerous Goods Certificate has been issued, for a storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the Municipality, who may require for the premises or installation to be rendered safe.

### **38. Dangerous goods certificate**

- (1) The owner or person in charge of the premises requiring a dangerous goods certificate as contemplated in this by-law, must make an application with the Municipality on the prescribed form.
- (2) The Municipality may request any additional information from the applicant which it deems necessary for the consideration of the application.
- (3) The Municipality may not issue the dangerous goods certificate if the premises do not comply with the requirements of—
  - (a) the National Building Regulations (T1);
  - (b) this By-law; and
  - (c) any other relevant standards acceptable to the Municipality.
- (4) A dangerous goods certificate may be issued subject to such conditions as deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and considering any relevant factor relating to the premises concerned.
- (5) Any change in the position, location, total quantity, number of storage tanks of any installation shall render the dangerous goods certificate issued in respect of any dangerous goods installation no longer valid and the person in charge of such premises must make a new application to the Municipality on the prescribed form accompanied by a plan as contemplated in Section 37(4).
- (6) The Municipality may approve an application only if the proposed changes comply with the provisions of this by-law.
- (7) If the application is approved, the applicant must submit the existing originals of dangerous goods certificate to the Municipality for cancellation and issue a new dangerous goods certificate incorporating the changes applied for.
- (8) A dangerous goods certificate must be renewed—
  - (a) annually and not later than 21 (twenty-one) days after the expiry date as indicated on the dangerous goods certificate and failure to renew the dangerous goods certificate within this timeframe will cause for a penalty to be imposed as contemplated in Section 83(3);
  - (b) whenever any change occurs in the condition or circumstance under which a dangerous goods certificate has been issued; or
  - (c) where the dangerous goods certificate cannot be located.
- (9) If at any time the Municipality becomes aware that the usage of the premises is not in accordance with conditions stipulated on the dangerous goods certificate, or when, in the opinion of the Municipality, dangerous goods are stored or utilised for any process in a manner which is hazardous to life or property including the use of a premises or installations that have not been authorized as prescribed in this by-law, it may act in accordance with sections 81, 85 and 86 of this by-law.

- (10) No person may supply dangerous goods to the owner or person in charge of any premises unless the owner or person in charge of the premises is in possession of a valid dangerous goods certificate issued by the Municipality where so required in terms of this by-law.
- (11) A dangerous goods certificate must always be prominently displayed on the premises for which a dangerous goods certificate is required in terms of this by-law.
- (12) The Municipality must keep records of all premises in respect of which a dangerous goods certificate has been issued, changed, or renewed.
- (13) The Municipality must charge a fee for issuing a dangerous goods certificate as prescribed in the Tariff By-law, for the service it renders.
- (14) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a dangerous goods certificate is guilty of an offence and such dangerous goods certificate shall be withdrawn with immediate effect by the Municipality.

### **39. Conditions for dangerous goods certificate**

- (1) A person may not—
  - (a) manufacture, store, use or handle—
    - (i) any quantity of dangerous goods in excess of the amount stated on the certificate;
    - (ii) any dangerous goods of a class other than that specified on the certificate; or
    - (iii) any dangerous goods in a manner other than that stated on the certificate.
  - (b) install or erect a greater number of pumps, storage tanks or stores than is specified on the certificate; or
  - (c) on any motor vehicle, carry—
    - (i) any quantity of dangerous goods more than the amount stated on the certificate relating to such motor vehicle; or
    - (ii) any dangerous goods of a class other than the class or classes specified on the certificate.

### **40. Suspension or cancellation of dangerous goods certificate**

- (1) In the event that the holder of the certificate is convicted for a contravention of this By-law on two or more occasions, the Municipality must give the holder of the certificate a written notice of its intention to cancel or suspend the certificate, at least 14 days before such cancellation or suspension.
- (2) The holder may within fourteen days of receipt of a notice contemplated in subsection (1), submit written representations for consideration to the Municipality, giving reasons as to why the Municipality should not or need not cancel or suspend the certificate.
- (3) In the event that the written representations are unsuccessful, the certificate must be cancelled and endorsed accordingly by the Municipality.

### **41. Transfer of dangerous goods certificate**

- (1) Notwithstanding the requirements of Section 38(5), a dangerous goods certificate may be transferred from one person to another but may not be transferred from one premises to another or from one motor vehicle to another provided that there are no changes made regarding the information captured on the dangerous goods certificate.

- (2) The person desiring such a transfer contemplated in subsection (1) must make application in writing to the Municipality on the prescribed form, subject to any relevant information that the Municipality may require in order to consider the application.

#### **42. Notification of completion or erection of installation**

- (1) The person responsible for the installation or erection of any pump, storage tank, filling device, store, spraying room or other equipment or premises intended for the storage, use or handling of a dangerous goods, must notify the Municipality in writing upon completion of the installation or erection thereof and submit all relevant certificates of compliance issued by a competent person.

#### **43. Safe use and handling of dangerous goods**

- (1) Except if, and to the extent authorised by this By-law or any other law, a person may not—
- (a) store, use or handle any dangerous goods on any premises—
    - (i) in circumstances that such dangerous goods, or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency that is likely to ignite such dangerous goods or its vapour;
    - (ii) unless the premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining premises or part thereof from the risk of danger from fire;
    - (iii) prevent, or impede the escape of any person or animal;
    - (iv) unless that person has taken all due precautions for the prevention of accidents by fire or explosion on such premises and for the prevention of persons obtaining access to the dangerous goods kept thereon; or
    - (v) unless all equipment used for the storage, use and handling of dangerous goods is maintained in good and proper order and free from leakage;
  - (b) enter or cause or permit any person to enter any storage tank which has contained dangerous goods before such tank has been certified by a competent person that it is free from any dangerous goods vapour;
  - (c) erect or place any pump or other device used or intended to be used for the issue or transfer of dangerous goods to or from any motor vehicle in such a position that the hose thereof can be used for the issue or transfer of dangerous goods on or across any public road or public place;
  - (d) cause, allow or permit the issue or transfer of dangerous goods to or from a motor vehicle by means of a pump or other device except while within the premises on which the pump or device is situated or whilst making use of a jerry-can acceptable to the Municipality;
  - (e) erect any pump or other device used or intended to be used for the dispensing of dangerous goods to a motor vehicle or container on any ramp or within 6 metres of the beginning or top of the ramp and shall in all cases be erected on level ground;
  - (f) use a dipping stick other than one made of wood or brass or other nonferrous metal or alloy;
  - (g) deliver dangerous goods from any pump to the fuel tank of any motor vehicle except through a hose which satisfies the specification in SANS 10089 part 3 or other code acceptable to the Municipality;
  - (h) use in any basement any device for spraying dangerous goods or any pump or other device for the issue or transfer of any dangerous goods to a motor vehicle or container;
  - (i) install any electrical switch, fuse, motor, or other device in a distance of 6 metres of any pump unless such switch, fuse, motor or device is of flame and vapour proof construction;

- (j) do, or omit to do, anything whatsoever in connection with the use, handling, or storage of a dangerous goods with the result that any person, property or animal is, or is likely to be, exposed to a risk of fire; or
  - (k) use or allow to be used any dangerous goods in any basement level of a building, other than a device used for the maintenance of the building;
- (3) No person may cause, permit, or allow any dangerous goods to enter any waste, foul water or storm water system, sewer or drain whether underground or on the surface.

*[Please note: numbering as in original.]*

- (4) A person in charge of any premises or vehicle who becomes aware of any discharge of dangerous goods of any quantity into any waste, foul water or storm water system, sewer or drain likely to constitute a fire hazard shall report such discharge to the Municipality.
- (5) Notwithstanding section 43(1), a storage tank located in a basement shall be designed and installed in accordance with SANS 10131, and only used for the purpose of storing class 3 (categories 3.2, 3.3 and 3.4) dangerous goods subject to the dangerous goods storeroom or chamber being provided with a foam application system designed, installed, and certified by a competent person to the satisfaction of the Municipality.
- (6) The electrical wiring between the distribution board or junction box and the pumps must where possible, be in one continuous length of wire, provided that where this is not possible, flame and vapour proof junction boxes may be used.

#### **44. Permanent or temporary aboveground storage tank for Class 3 dangerous goods**

- (1) A temporary aboveground storage tank other than that at a bulk storage depot is permitted at the discretion of the Municipality: Provided that the following requirements are complied with—
- (a) the capacity of such tank may not exceed 23000 litres and may not be used for the storage of class 3 category 1, dangerous goods;
  - (b) the tank may not be on the premises for a period exceeding twelve months;
  - (c) the entire installation complies with SANS 10131; and
  - (d) written application together with a plan is forwarded to the Municipality at least fourteen days prior to the erection of the tank and prior written permission is obtained from the Municipality for the erection of the tank.
- (2) Notwithstanding the provisions of subsection 1, if a larger capacity aboveground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant code or standard must be submitted to the Municipality for approval.
- (3) The design requirements and construction of a permanent tank must be certified by a competent person in accordance with a relevant recognised code or standard recognized by the Municipality.
- (4) The rated capacity of a permanent or temporary tank must be the capacity of ullage to permit the expansion of the product contained therein by reason of the rise in temperature during storage.
- (5) A permanent or temporary tank must be erected at distances from boundaries, buildings and other dangerous goods or combustible materials as specified in SANS 10131.
- (6) A permanent or temporary tank must be located on firm level ground and the surface must be of adequate strength to support the mass of the tank and contents plus 10 percent.
- (7) A permanent or temporary tank must have a bund wall constructed of an impervious material and designed to contain 110 percent of the contents of the tank.
- (8) Adequate precautions must be taken to prevent spillage or ignition of product during the filling of a tank.

- (9) Sufficient fire extinguishers, as determined by the Municipality, must be provided in weatherproof boxes, and maintained in a condition and located so as to render such extinguishers immediately available for use in the event of a fire.
- (10) Symbolic safety signs must be provided adjacent to a tank as contemplated in SANS 1186: Part 1, warning of danger and prohibiting—
  - (a) naked lights;
  - (b) smoking;
  - (c) fire and open flames;
  - (d) thoroughfare by pedestrian;
  - (e) use of cellular phones; and
  - (f) any other hazardous conduct.
- (11) The Class 3 dangerous goods in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.
- (12) Any pump, whether electrically or mechanically powered must comply with the provisions of SANS 10131.
- (13) Any electrical equipment or installation associated with an above ground storage tank contemplated in this by-law must comply with the provisions of SANS 10131 and SANS 10089 - Part 2.
- (14) 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.

#### **45. Class 2 and 3 dangerous goods storage tanks**

The installation of Class 2 or 3 dangerous goods storage tanks, pumps, dispensers and pipework at service stations, consumer installations, or bulk depots must comply with the provisions of Regulation T (1) of the National Building Regulations.

#### **46. De-commissioning of Class 2 and Class 3 dangerous goods storage facilities and tanks**

- (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a dangerous goods, the owner or person in charge of the installation must, within—
  - (a) 7 days of the cessation, notify the Municipality in writing thereof;
  - (b) Thirty days of the cessation, remove the dangerous goods from the installation and render it safe;
  - (c) 6 months of the cessation, remove the installation, including any associated pipework, from the premises entirely, unless the Municipality otherwise instructs; and
  - (d) 7 days of the completion of the removal of the installation, restore a public footpath or roadway which has been disturbed by the removal, to the satisfaction of the Municipality.
- (2) If for reasons of safety or expediency, an underground tank installation cannot be removed as contemplated in section 46(1), the owner or person in charge of the installation must apply in writing to the Municipality to disconnect and blank off the associated pipework and the tank filled with liquid cement slurry or gas freed.
- (3) The removal of a tank must be in accordance with SANS 10089 Part 3 or SANS 10131 or any other standards acceptable by the Municipality.

#### 47. Reporting accidents

- (1) If an accident occurs which involves a Class 2 or Class 3 dangerous goods and results in, or has the potential to result in a fire, or explosion, whether or not a personal injury or death has occurred, the owner or person in charge of the premises must immediately notify the Municipality.
- (2) The Municipality may, if necessary, act in accordance with sections, 79, 80 and 81 of this by-law.

#### 48. Liquefied petroleum gas

- (1) Where liquid petroleum gas containers are permanently installed or stored in a building, the type of building as contemplated in SANS 10400-A, and the corresponding size of the container(s) must be as follows:
  - (a) flats (H3): a maximum of 9 kilograms per flat;
  - (b) houses (including cluster housing and group housing (not exceeding 2 storey's): a total maximum of 19 kilograms;
  - (c) commercial premises (all occupancies not mentioned in SANS 10087): a total maximum of 19 kilograms per unit, provided that there is a separating element that complies with the requirements of SANS 10400-T;
  - (d) industrial premises (class of occupancy D1 to D4): a maximum of 19 kilograms per 600 m3 of building space with a total maximum of 100 kilograms;
  - (e) for special events: quantities, location and any other special conditions shall be determined at the discretion of the Municipality; and
  - (f) a manifold installation may not be installed inside any building.
- (2) The storage, manifold installations and filling sites involving liquefied petroleum 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 SANS 10087-1 or 7 whichever is applicable.
- (3) The layout design and operation of installations for the storage of a bulk Liquefied Petroleum Gas vessel and allied facilities must be in accordance with Regulation T1 of the National Building Regulations read in conjunction with SANS 10087-3.
- (4) Notwithstanding the requirement in sections [37](#) and [38](#) for manifold systems more than 100 kilograms to be approved and registered by the Municipality, the owner of premises on which an LPG installation with a capacity more than 48kg, other than a domestic installation, must submit to the municipality a certificate of compliance with SANS 10087-1 for such installation signed by a registered installer.
- (5) Notwithstanding the requirements in section [37](#) where the use and storage of liquefied petroleum gas for domestic use is less than 100kg, the owner or occupier of the premises must ensure that such use and storage is in compliance with the requirements stipulated in SANS 10087-1 and 7 and where a manifold installation has been erected, the owner or occupier must be in possession of a certificate of compliance issued by a competent person.
- (6) Where the owner or occupier of the premises does not comply to the requirements stipulated in subsections [\(1\)](#), [\(3\)](#) and [\(4\)](#), the Municipality must act in accordance with sections [73](#), [78](#), [79](#) and [80](#) of this By-law.

#### 49. Storage of dangerous goods outside of a building or in open air

- (1) A person may not store Class 3.1 dangerous goods outside a building or elsewhere in the open air except and unless—
  - (a) the area where such Class 3.1 Dangerous Goods is stored, is bunded to the satisfaction of the Municipality; and
  - (b) the relevant symbolic safety signs in accordance with SANS 1186 Part 1 are prominently displayed at all times.
- (2) The storage of dangerous goods outside of a building or in open air must meet the following requirements—
  - (a) safe storage areas must be provided for materials that have unique properties such as but not limited to "dangerous when wet" products;
  - (b) incompatible products may not be stored in the same storage area;
  - (c) corrosive fluids may not be stored closer than 3 metres to any other stored fluid, unless it is contained within an independent spill containment system;
  - (d) buildings on adjacent sites may not be closer than 15 metres to the store area;
  - (e) access to the storage area for emergency service must have at least 2 independent routes such that one route will not be affected by the prevailing wind;
  - (f) the containers must be stored in an environment which does not exceed the permissible temperature as indicated by the manufacturer or stored in accordance with the prescriptions of a recognized Safety Data Sheet (SDS) of the product stored, whichever is the lesser;
  - (g) the storage area must be sloped such that no accumulation of water can occur;
  - (h) vegetation and combustible materials must be kept free of the storage area for at least 6 metres around the storage area perimeter;
  - (i) the storage area must be located at least 6metres from a building on the same site and at least at least 3metres from any public walkway or boundary;
  - (j) demarcation and barricading of the storage area must be provided where there is vehicular traffic;
  - (k) any roof structure used to protect the containers in the storage area must be of a non-combustible material, designed such that any vapour emission experienced under normal operations or emergency situations does not hamper natural dispersion of the vapours;
  - (l) the Safety Data Sheet (SDS) of all products stored must be readily available on the premises;
  - (m) the maximum allowable quantities for Class 3 Dangerous Goods per storage pile shall not exceed:
    - (i) Category I: 8000 litres;
    - (ii) Category II: 20000 litres; and
    - (iii) Category III and IV: 50000 litres;Provided that other methods of storage as stipulated in any other relevant Codes or Standards recognised by the Municipality may be permitted.
  - (n) the maximum allowable height of a pile per storage area may not exceed:
    - (i) Category I: 3metres;
    - (ii) Category II: 3.5metres; or



- (iii) Category III and IV: 5metres;
  - (o) the minimum allowable distance between piles per storage area may not be less than 1.5 metres apart.
- (3) The maximum storage height stipulated by the Municipality above must be complied with provided that the container or packaged goods shall maintain its stability and integrity in respect of any load imposed thereon.

## 50. Construction of portable containers

Any container used in the storage or conveyance of a petroleum product must comply with SANS 10229, SANS 10230, SANS 10231, SANS 10232, and SANS 10233 or other standard acceptable to the Municipality.

## 51. Filling of containers

- (1) A person may not fill a container with Class 2.1 or Class 3 Dangerous Goods other than in a room or building constructed in accordance with the provisions of this by-law or SANS 10087 in the case of a Class 2.1 dangerous goods.
- (2) Class 2.1 or Class 3 Dangerous Goods containers may be filled in the open-air subject to the provisions of SANS 10087; SANS 10131 and SANS 10089.
- (3) A person who fills a container with Class 2.1 or Class 3 Dangerous Goods must ensure that both containers are properly earthed.
- (4) A person may not fill a container with Class 3 Dangerous Goods to more than 97.5 percent of its capacity; provided that in the case of Class 2.1 Dangerous Goods, containers may not be filled more than 80 percent of their capacity.
- (5) Notwithstanding the requirements stipulated in this section, the filling of containers with Liquefied Petroleum Gas (LPG), must comply with SANS 10087-7.

## 52. Containers taken after delivery

A person who has taken delivery of any Class 2.1 or Class 3 category i-iv dangerous goods in containers more than the quantities contemplated in section [37\(1\)](#) may not cause or permit such containers to be stored or otherwise kept in any place other than a store or other area approved by the Municipality, for this purpose or for the sale of such containers, except during the delivery or off-loading of such dangerous goods.

## 53. Storage of empty containers

- (1) A person may not place or keep any used empty container in any part of any premises other than a store: Provided that such container may be stored in the open air at a distance of not less than 6metres from any fire, flame, naked light, or other flame emitting device likely to ignite flammable liquid or its vapour.
- (2) A person may not cause or allow any used empty container to remain in or on any public road or public place.
- (3) A person who stores an empty container as contemplated subsection [\(1\)](#) must at all times ensure that the container is securely closed.
- (4) The holder of a dangerous goods certificate in respect of any premises must ensure that the storage of filled liquefied petroleum gas containers and empty cylinders is in accordance with the requirements of SANS 10087.



#### 54. Repair of containers

- (1) A Dangerous Goods container must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (2) In the case of liquefied petroleum gas cylinders, no modification is permitted, and any maintenance may only be done as contemplated in SANS 10019.
- (3) Any permitted modification or repairs to any Dangerous Goods container must be carried out by a competent person to the satisfaction of the relevant standard.

#### 55. Marking of containers

A person may not supply or deliver to any person any Class 2.1 or Class 3 category iiv dangerous goods in any container unless such container bears in conspicuous letters the words "FLAMMABLE/VLAMBAAR" or any symbolic safety sign as contemplated in SANS 1186 and in accordance with SANS 1187.

#### 56. Stores for Class 3 dangerous goods

- (1) Notwithstanding the requirements stipulated in the General Safety Regulations of the Occupational Health and Safety Act, No 85 of 1993 as amended, where a Class 3 Dangerous Goods is stored in a quantity or quantities requiring a dangerous goods Certificate as contemplated in this By-law, such dangerous goods must be stored in a building complying with the following provisions—
  - (a) The floor must be of concrete or other impermeable material and must be recessed below the door level or incorporate a sill.
  - (b) All window frames must be metal and glazed with wire-woven or fire rated blast proof glass and all windows must be so constructed and secured as to be incapable of being opened and as to prevent the escape of vapours and be of maximum size of 450mmx450mm.
  - (c) The recess or sill must be of such a depth or height that, in the case of spillage, it will be capable of containing—
    - (i) the quantity of flammable liquid plus 10 percent, as indicated on the dangerous goods certificate;
- (2) Notwithstanding the National Building Regulations (T1) and SANS 10400, the—
  - (a) roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two hours fire resistance when it forms part of another building; provided that where such flammable store is situated adjacent to a building the roof assembly may be constructed of other noncombustible material where such store is not likely to endanger any room, building or adjoining premises in case of a fire;
  - (b) ventilation of a flammable store located outside any building may be achieved using air bricks located in the external walls at the ratio of 1 air brick nominally above the sill-level and 1 air brick located in the top third of the wall per 5 square meters of wall area or part thereof, so that vapour cannot accumulate inside the store;
  - (c) air bricks must be covered both internally and externally with closelywoven, non-corrodible wire gauze of at least 1 100 meshes per metre; provided that wire mesh shall not be required where the store is situated outside and meets the minimum safety distance as contemplated in SANS 10400;
  - (d) wire gauze must be held in position by metal straps, a metal frame or cement;
  - (e) ventilation openings used to facilitate natural ventilation must be spaced 450 mm apart on all free walls to provide a total ventilation area of 0,15 square metres per 5 square metres of floor area;

- (f) percent of the openings must be located at a level immediately above the level of the door sill and the other half must be located in the top third of the wall;
  - (g) the location of ventilation openings need to be at least 6 metres away from an adjacent building or structure;
  - (h) percent of the openings for ventilation must be positioned on any opposing walls; and
  - (i) Any storeroom must be so designed and constructed to ensure that the collection of fumes of hazardous substances is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where the fumes are not likely to come into contact with any source of ignition.
- (3) When required by the Municipality, 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 must—
    - (i) comply with the requirements of SANS 10108 and SANS 10142 in relation to the electrical components of the system;
    - (ii) provide 30 air changes per hour or be designed, installed, operated and maintained to ensure that any vapour generated by the product/s stored will be maintained below the lower explosive limit/s of the product/s stored in such store; and
    - (iii) make adequate provision for replacement air.
  - (b) Should such mechanical ventilation be inoperable, the owner must ensure that suitable alternative arrangements are made to provide the necessary ventilation;
  - (c) the fan extraction point must be nominally above sill level and must discharge to the open air, through a vertical metal duct terminating at least one metre above roof height or at least three comma six metres above ground level, whichever is the greater;
  - (d) the ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of twohours fire resistance at the point of exit from a flammable store; and
  - (e) the ducting must be as short as possible and must not have sharp bends.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must—
- (a) be constructed of material with a fire resistance of two-hours: Provided that all relevant safety distances are complied with; and
  - (b) open towards the direction of egress.
- (5) When required by the Municipality, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (6) Two escape doors shall be provided in any store exceeding 20 square metres diagonally opposed or as far as reasonably practicable.
- (7) All electrical apparatus, light, fitting, and switch gear installed or used in a flammable store must be installed and used in accordance with SANS 10108, SANS 10142, and any—
- (a) artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit; and
  - (b) the switches operating the lights must be located outside the store.

- (8) The Municipality may require a flammable store to be provided with foam inlet designed and installed by a Competent Person, to the satisfaction of the Municipality, and must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetres block letters.
- (9) Racking or shelving erected in the flammable store must be of non-combustible material.
- (10) The flammable store must be identified by the—
  - (a) words "Flammable Store – Indawo Yokugcina Izinto Ezokheleka Kalula"; together with all the necessary signs as contemplated in section 39(11); and
  - (b) all wording stipulated in subsection (10) (a) shall be indicated in 100 millimetres block letters on both the inside and outside of all doors communicating directly with the store.
- (11) The owner or person in charge of the premises must ensure that the flammable store doors are kept locked when the store is not in use and ensure access by authorised persons is always readily available.
- (12) Sufficient fire extinguishers, as determined by the Municipality, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (13) Any tool used in the flammable store must be suitable for the work being undertaken.
- (14) No person may use or permit a flammable store to be used for any purpose other than that indicated on the dangerous goods certificate, unless the store is not in use as a flammable store and the Municipality has been notified in terms of the following procedure:
  - (a) within seven days of the cessation, written notification to the Municipality;
  - (b) within thirty days of the cessation, removal of the dangerous goods from the flammable store and rendering it safe; and
  - (c) within thirty days of the cessation, removal of all signage.
- (15) Subject to the provisions in this section, the Municipality may order additional requirements to improve the fire safety of a flammable store.
- (16) The Safety Data Sheet (SDS) of the products stored must be readily available during inspections and in the event of an emergency.

## **57. Spraying room and spraying booth**

A spraying room, spraying booth, spraying cabinet or area designated for the application of a flammable liquid must be constructed or equipped in such a manner as to comply with the General Safety Regulations of the Occupational Health and Safety Act, No. 85 of 1993 as amended, pertaining to the use and storage of flammable liquids.

## **58. Prohibition of unauthorised spraying**

A person may not spray, coat, plate, or epoxy-coat any motor vehicle, article, object or building or any part thereof with any dangerous goods unless—

- (a) he or she is in possession of a spraying permit contemplated in section 59; and
- (b) the spraying, coating, plating or epoxy-coating, as the case may be, is conducted in an area approved by the Chief Fire Officer on premises registered for that purpose.

## **59. Application for spraying permit**

- (1) Any person who wishes to obtain a spraying permit must make an application with the Municipality on a prescribed form.

- (2) The applicant must further comply with the requirements of the Scheduled Activities By-law of the Municipality.
- (3) The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.

## 60. Design and construction of spraying room

- (1) A spraying room contemplated in section [57](#) must be designed and constructed according to the following criteria:
  - (a) any window frame must consist of steel with window panels that—
    - (i) cannot be opened;
    - (ii) do not exceed 450 millimetres by 450 millimetres in size; and
    - (iii) are fitted with wired glass with a thickness not less than 8 millimetres or shatterproof glass with fire resistance of not less than 120 minutes.
  - (b) if constructed of brick and concrete—
    - (i) the floor must consist of concrete;
    - (ii) the walls must consist of brick or concrete;
    - (iii) the roof must consist of reinforced concrete;
    - (iv) every door must consist of a Class B-type fire door as contemplated in SANS 1253;
    - (v) the spraying room must be so designed, constructed, operated and maintained to prevent any vapour leaving the spraying room other than by a ventilation system intended for this purpose as approved by the Municipality;
    - (vi) all material used must have a fire resistance of at least 120 minutes; and
    - (vii) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.
- (2) Where an air purification filter or part of such filtration system penetrates a component requiring a fire resistance rating, the fire resistance rating of the component so penetrated must be maintained by the installation of a fire damper manufactured and installed in accordance with SANS 193.
- (3) The fire damper stipulated in subsection [\(2\)](#) must be—
  - (a) capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
  - (b) installed so that it will remain in position even if the air duct distorts during a fire; and
  - (c) equipped with an overriding fusible link.

## 61. Water floor for spraying room

Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that the water—

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

## 62 Electrical equipment in a spraying room

- (1) All electrical apparatus, used in a spraying room must be installed and used in accordance with SANS 10108.
- (2) Any switch gear, distribution box, fuse, and other electrical equipment, except equipment as contemplated in SANS 10108, must be—
  - (a) located outside the spraying room; and
  - (b) positioned so as not to come into contact with fumes from the spraying room.
- (3) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
- (4) Every electrical installation in a spraying room must be installed by a competent person who must—
  - (a) certify in writing that the installation complies with all applicable legal requirements; and
  - (b) furnish the certificate to the owner or person responsible for the premises concerned.
- (5) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection [\(4\)\(b\)](#) to the Municipality without delay.

## 63. Location of spraying room

Where there is an escape route between the spraying room and any other activity, process or area on the premises concerned, such escape route must be—

- (a) at least 1100 millimetres wide; and
- (b) at all times, be kept free of any obstruction, refuse or combustible material.

## 64 Access to spraying rooms

- (1) A spraying room must have a clear unobstructed entrance which allows a safe entrance into and exit for any motor vehicles or other objects.
- (2) A spraying room must have at least 1 hinged door for escape purposes that—
  - (a) opens to the outside of the spraying room;
  - (b) has dimensions of at least 800 millimetres wide by 2000 millimetres high;
  - (c) is fitted with a locking device, approved panic ironmongery that is at all times capable of being opened from the inside of the spraying room without the use of a key; and
  - (d) in the case of a spraying room with a floor area that exceeds 20 square metres, or where the travel distance to an escape door exceeds 4 metres, at least two doors positioned on opposite sides of the spraying room must be provided.

## 65. Ventilation for spraying room

- (1) Notwithstanding the requirements stipulated in the General Safety Regulations of the Occupational Health and Safety Act, No 85 of 1993 as amended, every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least—
  - (a) 1 metre above any roof on the premises;
  - (b) 4 metres above the ground level; and
  - (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

- (2) The ventilation system must be designed in accordance with the General Safety Regulations of the Occupational Health and Safety Act, No 85 of 1993 as amended and must be equipped with an automatic shut off mechanism or manual shut off switch, located near the escape doors and adequately signposted.
- (3) The ventilation system must be serviced and maintained at least once every twelve months or as per the manufacturer's specification.

#### **66. Heating installations in spraying rooms**

Every heating installation using dangerous goods that forms an integral part of the heating system of any spraying room must comply with—

- (a) SANS 10087 (Part 1) and SANS 10131; and
- (b) the requirements of this By-law and any other relevant code acceptable to the Municipality.

#### **67. General prohibitions regarding spraying room**

No person may—

- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with the requirements of the Municipality and SANS 1186;
- (b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier, or person in control of the spraying room;
- (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
- (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
- (e) place any obstruction or hindrance or allow any obstruction or hindrance to be placed in any escape route or in front of any door of a spraying room.

#### **68. Fire extinguishing equipment in spraying room**

- (1) Every spraying room must be equipped with at least 1 (one) 9-kilogram dry chemical powder fire extinguisher installed either on the inside or the outside of the spraying room.
- (2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by the Municipality.
- (3) Every spraying room must be protected by at least 1 (one) fire hose reel installed as specified in SANS 543, that is connected to a water supply as contemplated in SANS 10400 - (Part W).

#### **69. Spraying rooms, spraying booths and spraying cabinets designed to other standards**

Notwithstanding the requirements contemplated in sections 57 to 66, Spraying Rooms, Spraying Booths and Spraying Cabinets may be designed, manufactured, and installed to comply with other recognised standards acceptable by the Municipality.

## **70. Rules to be observed on unregistered premises storing, using, processing, or manufacturing dangerous goods**

- (1) No person may store, use or handle or cause, allow or permit to be stored, used, or handled any dangerous goods on any unregistered premises unless such dangerous goods are stored, used or handled in such a position or in such a manner that—
  - (a) in the case of fire, the escape of persons or animals will not be prevented or impeded;
  - (b) in the open air, will prevent the accumulation of vapour or its ignition, or in a room with ventilation which is adequate to remove the fumes there from and effectively prevent the accumulation of fumes therein; and
  - (c) no dangerous goods or its vapour accidentally comes into contact or is likely to come into contact with any fire, flame or naked light or other flame emitting device likely to ignite such dangerous goods or its vapour.
- (3) No person may store or issue or permit dangerous goods to be stored except in an approved container which must be kept securely closed when not in immediate use.

*[Please note: numbering as in original.]*

- (4) Nothing contained in this section shall prohibit the spraying with dangerous goods of any vehicle or article in the open air if such spraying is not within a distance of fifteen metres from any fire, flame, open light, or flame emitting device likely to ignite such dangerous goods or its vapour and is likely to impede the escape of persons or animals in the case of fire or affects the health of any person or animals. Provided that no by-law of the municipality is contravened or any other law.

## **Chapter 10**

### **Transport, supply and delivery of dangerous goods**

## **71. Dangerous goods certificate**

- (1) The owner, person in control or operator of a motor vehicle must apply for a dangerous goods certificate to convey dangerous goods on such motor vehicle.
- (2) The owner may not transport dangerous goods in excess of quantities contemplated in table 3 unless a dangerous goods certificate has been issued by the Municipality.
- (3) The owner, person in control or operator of a motor vehicle contemplated in subsections (1) or (2) must make an application on the prescribed form to the Municipality.
- (4) The Municipality may request any information from the applicant which it deems necessary in order to consider the application for a dangerous goods certificate.
- (5) The Municipality may issue the dangerous goods certificate if it is satisfied that the motor vehicle concerned complies with the requirements of this By-law, and SANS 10087, SANS 10228; SANS 10229, SANS 10231, SANS 10232, SANS 10233, SANS 1157, SANS 1518, SANS 10187-8 and SANS 10263 or any other relevant codes acceptable to the Municipality, whichever is applicable to the motor vehicle concerned.
- (6) A dangerous goods certificate must be renewed—
  - (a) not later than twenty-one days after the expiry date as indicated on the certificate; and
  - (b) whenever major maintenance, repairs or modifications have been effected on the motor vehicle.

- (7) If, at any time, the Municipality becomes aware that the usage of a motor vehicle is not in accordance with the dangerous goods certificate, or any section contemplated in this By-law, it may act in terms of sections [76](#), [79](#), [80](#), [81](#) and [82](#).
- (8) A consignor or any supplier of dangerous goods may not supply dangerous goods in excess of quantities stipulated in subsection [\(1\)](#) to an operator of a motor vehicle, unless the operator is in possession of a valid dangerous goods certificate for such vehicle issued by the Municipality.
- (9) A dangerous goods certificate is valid only for the motor vehicle for which it was issued and in respect of the quantities stated on it.
- (10) The dangerous goods certificate must be displayed at all times in the motor vehicle for which it was issued, for inspection by the Municipality.
- (11) The Municipality must keep records of all motor vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.
- (12) Portable containers and their components must be—
  - (a) leak free before being loaded into vehicles;
  - (b) transported in a rack or frame or on a flat secure surface;
  - (c) fastened in a position to minimize the possibility of movement, tipping or physical damage, relative to each other or to the supporting structure whilst in transit; and
  - (d) transported in the upright position unless such containers are designed to be transported in any other manner.
- (13) The operator of a motor vehicle may not deliver dangerous goods to—
  - (a) Unregistered premises, in excess of the quantities contemplated in table 3, unless such premises are registered in accordance to this by-law; or
  - (b) Registered premises, in excess of the quantities as stipulated on the Dangerous Goods Certificate issued to such premises.
- (14) Any container for liquefied petroleum gas found on a motor vehicle is deemed to be full until the contrary is proved.
- (15) A Dangerous Goods Certificate issued by another municipality in terms of the By-law applying to the area of jurisdiction of such authority and having the same or similar provisions as this By-law which authority has been approved by the Municipality for this purpose, the Dangerous Goods Certificate may be recognised by the Municipality as acceptable.
- (16) The Municipality reserves the right to inspect any motor vehicle prior to recognising the certificate issued by any other municipality.
- (17) Any person who alters or attempts to alter a dangerous goods certificate is guilty of an offence.

## **72. General prohibition regarding transport, supply and delivery of dangerous goods**

- (1) The owner or person in control of a motor vehicle in respect of which a dangerous goods certificate has been issued, must ensure that a 9 kilograms Dry Chemical Powder fire extinguisher or equivalent acceptable to the Municipality is readily available and accessible, near the place where the transfer of dangerous goods is carried out.
- (2) A person may not take onto or across any public sidewalk, the hose of a pump for the purpose of replenishing any motor vehicle or container with flammable liquid or replenish any motor vehicle or container which is standing on any public sidewalk.
- (3) A person may not transfer any flammable liquids on or across any public place or public road, for the purpose of replenishing any motor vehicle or container with flammable liquid.



- (4) A person may not—
  - (a) bring or cause to be brought any fire, naked light, flame, or other flame emitting device likely to ignite a dangerous goods within 4.5 metres of any motor vehicle in which such dangerous goods is transported;
  - (b) carry or permit to be carried any matches, cigarette lighter or similar contrivance on any motor vehicle used for the transportation of dangerous goods; or
  - (c) smoke or be in possession of a lit cigarette, cigar or pipe or permit any other person to do so within 4.5 metres of a motor vehicle in use for the transportation of dangerous goods or during the filling, loading, or off-loading of such dangerous goods.

### **73. Condition of motor vehicle used for conveyance of dangerous goods**

- (1) The owner or person in control of a motor vehicle in respect of which a dangerous goods certificate has been issued must ensure that such vehicle is maintained and operated in compliance with SANS 10087, SANS 10228; SANS 10229, SANS 10231, SANS 10232, SANS 10233, SANS 1157, SANS 1518, SANS 10187-8 and SANS 10263 in accordance with the requirements of the National Road Traffic Act, No. 93 of 1996 as amended or any other relevant code acceptable to the Municipality.
- (2) The load on a motor vehicle transporting dangerous goods must be secured to the satisfaction of the Municipality, subject to the requirements of SANS 10187-8.
- (3) Any motor vehicle used for the conveyance of dangerous goods that is not included in SANS 1157, must comply with a specific standard and or manufacturers specification acceptable to the Municipality.
- (4) A person may not—
  - (a) park a motor vehicle contemplated in section 72(1) carrying a dangerous goods on a public road or public place unless the parking of the motor vehicle is necessary for the loading or off-loading of such dangerous goods on the premises adjacent to the place where such motor vehicle is parked, and for such period of time as is reasonably necessary for such loading or off-loading of a dangerous goods; unless the vehicle is parked in an area designated by the Municipality or under circumstances beyond the control of the driver;
  - (b) cause or permit the motor vehicle contemplated in paragraph(a) to park on or across any footpath during loading or off-loading operations;
  - (c) place any hose or cause or permit the hose to be placed across a footpath during the loading or off-loading operations; or
  - (d) cause or permit the motor vehicle contemplated in paragraph (a) to park facing in any direction other than toward the exit during the delivery operations.
- (5) The owner, person in control or operator of a motor vehicle in which dangerous goods is conveyed must take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorized person to any motor vehicle or container whilst in transit.

## **Chapter 11**

### **Fire brigade service**

### **74. Objects of Service**

The objects of the Service are to—

- (a) prevent the outbreak and spread of fire;
- (b) fight and extinguish any fire that endangers any person, animal or property;

- (c) protect any person, animal and property against any fire hazard or other danger contemplated in this By-law; and
- (d) rescue any person, animal and property from any fire or other danger contemplated in this By-law.

#### **75. Services to other persons**

- (1) The Service may provide any service related to its objects contemplated in section [74](#) to any other person against payment of the prescribed fee.
- (2) Any service contemplated in subsection [\(1\)](#) may be terminated without notice if the services, equipment or personnel involved in providing such service are required to deal with an emergency.

#### **76. Instructions by members of Service**

- (1) In addition to any powers under section 8 of the Fire Brigade Services Act, No 99 of 1987, a member may instruct any person in order to ensure compliance with this By-law or to ensure the safety of any person, animal or property.
- (2) An instruction contemplated in subsection [\(1\)](#) may be given verbally or in writing.
- (3) In the event that the instruction is given verbally, the member must where necessary, confirm the instruction in writing and give it to the person concerned within 24 hours of such instruction.
- (4) An instruction contemplated in subsection [\(1\)](#) may include, but is not limited to, an instruction—
  - (a) for the immediate evacuation of any premises;
  - (b) to close any premises until such time as any contravention of this By-law has been rectified;
  - (c) to cease any activity;
  - (d) to remove any immediate threat to the safety of any person, animal, or property; and
  - (e) to take specified steps to comply with this By-law, either immediately or within a specified period.
- (5) If it is not reasonable for steps referred to in paragraph [\(e\)](#) to be taken immediately, the owner or occupier of the premises concerned must provide the Chief Fire Officer with an action plan detailing measures to ensure compliance with this By-law.

#### **77. Impersonation of member of Service, prohibited**

- (1) A person who is not a member of the Service may not—
  - (a) pretend to be a member of the Service;
  - (b) wear any official clothing, uniform, badge, or insignia of the Service; or
  - (c) in any manner do or say anything which gives the impression that he or she is a member of the Service.

#### **78. Certificate to identify members of Service**

- (1) The Chief Fire Officer must provide each member with a card identifying such person as a member.
- (2) A member, while exercising any power under this By-law must—
  - (a) keep an identification card provided in accordance with subsection [\(1\)](#) on his or her person; and
  - (b) produce such a card for inspection on request by any person.

## Chapter 12

### Offences and penalties

#### 79. Offences and penalties

- (1) Any person who—
  - (a) intentionally resists or obstructs a member of a service including a Chief Fire Officer, in the exercise of his or her powers referred to in section 8(1) of the Fire Brigade Services Act, 1987, subsection 80(1) and section 81 of this By-law;
  - (b) summons a service while he or she knows that there is no reason to do so;
  - (c) contravenes the provisions of this By-law; or
  - (d) fails to comply with any instruction or 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 or a fine or imprisonment prescribed in terms of this By-law.
- (2) The imposition of a penalty for any contravention in terms of this By-law—
  - (a) may not permit the continued contravention of the provisions concerned;
  - (b) does not release the guilty party from any liability resulting from his or her unlawful conduct; and
  - (c) does not absolve the guilty party from a duty to take measures to correct, remedy or prevent any situation or condition which constitutes such contravention, on his or her own accord or upon any instruction from the Municipality.

## Chapter 13

### Administration and enforcement

#### 80. Enforcement provisions

- (1) An authorised official may enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A Municipality may summarily perform any act that he or she deems necessary in order to remedy any violation of any provision of this By-law which presents an immediate fire hazard or other threatening danger.
- (3) Any costs incurred by the Municipality as result of acting as contemplated in subsection (2) will be borne by the person deemed by a Municipality to be responsible for the existence of such condition or situation.
- (4) Notwithstanding the provisions of subsection (3), the owner or occupier of the premises will be presumed to be responsible for any violation on the premises unless he or she proves that a person other than himself or herself is responsible for the violation concerned.

#### 81. Non-compliance

- (1) Where it is in the opinion of the Municipality that any conduct, situation or condition in respect of any premises constitutes a violation of this By-law, excluding a violation contemplated in

section 80(2), the Municipality may issue a written notice to the owner or person in charge of such premises, which notice must include:

- (a) confirmation of the findings;
  - (b) provisions of this By-law that are being contravened;
  - (c) the remedial action required;
  - (d) a time period for compliance; and
  - (e) consequences in the case of refusal or failure by the transgressor to comply with the notice.
- (2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon the owner or person in charge of the premises or any other person who is, in the opinion of the Municipality, deemed to be the responsible person.
- (3) Where unattended or abandoned premises is deemed to be a fire risk, the Municipality may—
- (a) affix a copy of the order or notice on the premises in a conspicuous place at or near the entrance of such premises;
  - (b) mail the order or notice by registered mail, to the last known address of the owner or the person in charge of the premises or both; and
  - (c) act in accordance with subsection 76(3), 80(3) and 83(1) in the event where the owner or a person in charge of the premises failed to respond to such order or notice within the prescribed period determined by the Municipality.

## **82. Denial, suspension or revocation of approval, certificate or authorisation**

The Municipality may refuse, suspend, or revoke any approval, certificate or authorisation issued or granted in terms of this By-law for non-compliance with the—

- (a) provisions of this By-law; or
- (b) conditions of any such approval, certificate, or authorisation; or
- (c) requirements stipulated in any notice or order issued in terms of this By-law.

## **83. Charges**

- (1) The Municipality may determine the fees payable by a person on whose behalf a service was rendered 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 Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) and other applicable local government legislation regulating the charging of fees.

## **84. Authority to investigate**

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

## **85. Powers of authorised officials**

- (1) An authorised official may, at all reasonable times, or as is necessary, enter any premises and—
  - (a) inspect, monitor or investigate the premises for any contravention of this By-law;
  - (b) serve any notice in terms of this By-law;
  - (c) question the owner or person in control of premises;

- (d) take photos of any items used or found in the premises for the purposes of—
    - (i) gathering any evidence on account of a suspected violation of this By-law;
    - (ii) enforcement of this By-law; or
    - (iii) any other reason relating to this By-law;
  - (e) take samples of any substance or item for the purpose of analysis or examination of any dangerous goods or of any liquid or substance suspected of being flammable which is found upon such premises; or
  - (f) do anything necessary to implement the provisions of this By-law.
- (2) Where on inspection of any premises it appears that any dangerous condition or practice which is in conflict with the provisions or intent of this By-law or any act or omission which constitutes a contravention of this By-law, is calculated to endanger the safety of persons or property, any authorised official may require the immediate discontinuance, of such practice or the improvement of such condition.

## 86. Administration and enforcement of By-law

- (1) The Municipality is responsible for the administration and enforcement of this By-law.
- (2) The Municipality may delegate any power granted to him or her in terms of this By-law in accordance with section 88 of this By-law read with section 19 of the Fire Brigade Services Act.

## Chapter 14 General provisions

## 87. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in section 62 of the Municipal Systems Act, by giving written notice of the appeal and reasons thereof to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must act in accordance with the provisions outlined in section 62 of the Municipal Systems Act, in response to the appeal.

## 88. Delegations

- (1) Subject to the [Constitution](#) and applicable National and Provincial laws, any –
  - (a) power, excluding a power contemplated in section 160(2) of the [Constitution](#);
  - (b) function; or
  - (c) duty,conferred in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councilors, or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councilor, or staff member, to an entity within, or a staff member employed by, the Municipality.
- (2) A delegation contemplated in subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Municipal Systems Act, subject to the criteria set out in section 59(2) of said Act.

## 89. Repeal of laws

The By-laws and Notices listed in Schedule 1 to this By-law are hereby repealed to the extent mentioned in the third column of the Schedule.

## 90. Short title and commencement

This By-law is called the eThekweni Municipality: Fire By-law, 2022 and takes effect on the date of publication thereof in the *Provincial Gazette* or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Notice.

### Schedule 1

#### Laws repealed

*(Laws repealed in terms of Section 90 of this By-law)*

Repealed laws	Extent of repeal	Effective date of repeal
Durban Metropolitan Unicity Municipality Interim Code Relating to Fire Prevention and Flammable Liquids and Substances, published under <a href="#">Municipal Notice No. 27 of 2000</a> , <i>Provincial Gazette</i> No. 5417 dated 23 March, 2000.	The whole	Date of commencement of this By-law

## Schedule 2

### Approved days and times for the discharge of consumer fireworks

Approved days by municipal council	Permitted times for consumer fireworks	
	From	To
New Year's Eve	23h00	00h30
Hindu's New Year	19h00	22h00
Lag b'omer	19h00	22h00
Chinese New Year	19h00	22h00
Human Rights Day	12h00	16h00
Freedom Day	12h00	16h00
Diwali/Deepavali	19h00	22h00
Christmas Eve	19h00	22h00
Day of Goodwill	12h00	16h00
Guy Fawkes	19h00	22h00