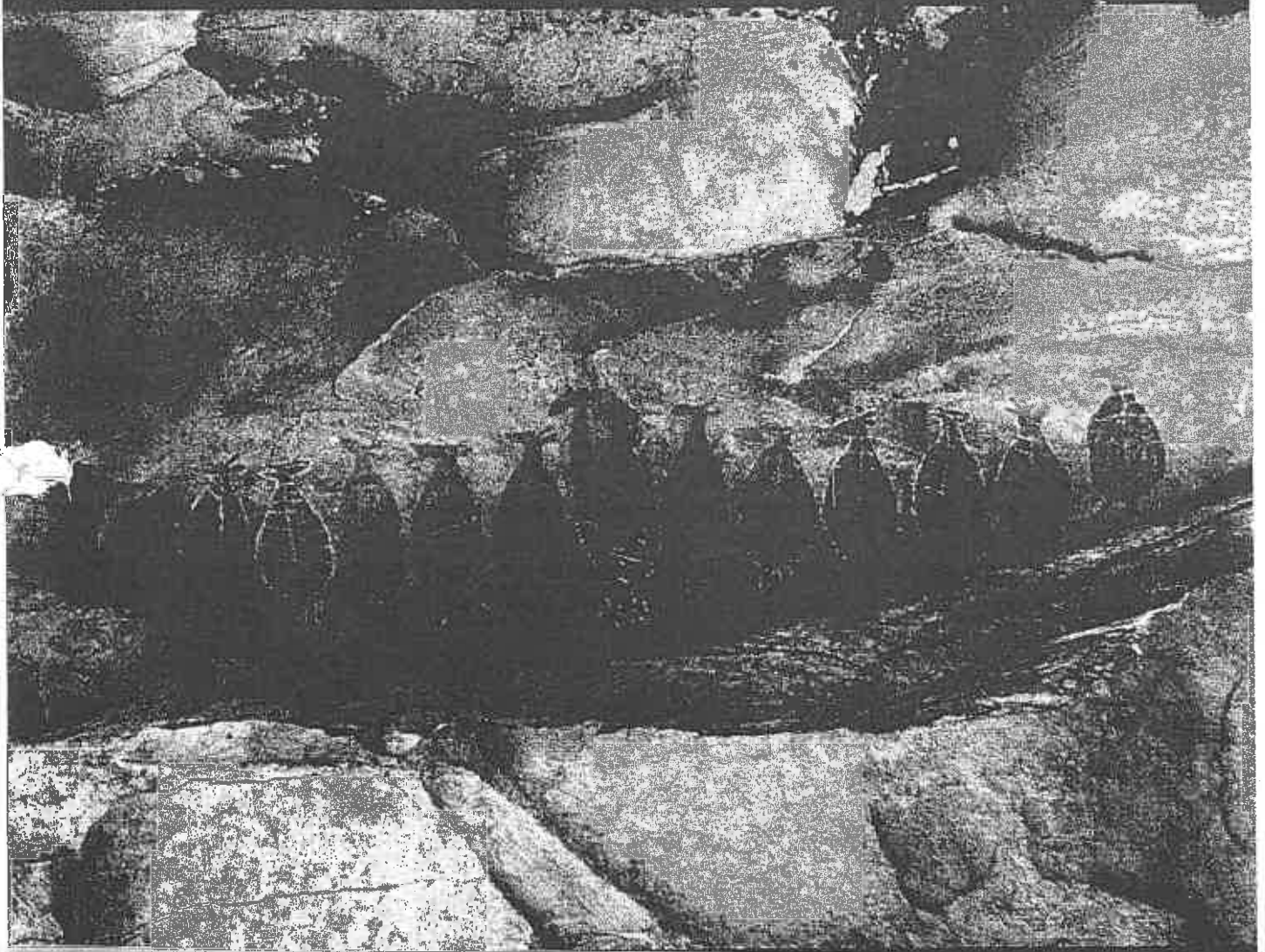


Kwadukuza Municipality



Municipal By-Laws
Final Draft for consideration
by Council (Volume 1)

August 2013





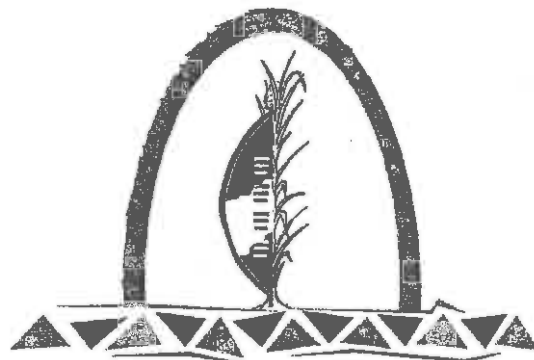
KWADUKUZA MUNICIPALITY

MUNICIPAL BYLAWS

Table of Contents

<u>Index</u>		<u>Page</u>
Chapter 1	Advertising ✓ 2.12.2004	1-31
Chapter 2	Animals and Birds ✓ 30.12.2004	1-6
Chapter 3	Boating and other craft in tidal lagoons, rivers and watercourses ✓ 2/12/2004	1-7
Chapter 4	Caravan Parks ✓ 30.12.2004	1-2
Chapter 5	Cemetery and Crematorium ✓ 30.12.2004	1-10
Chapter 6	Child Minder Service ✓ 30.12.2004	1-9
Chapter 7	Credit control and debt collection ✓ 2.12.2004	1-36
Chapter 8	Dairies, Cowsheds, Milk Shops, Milk Dealers and Purveyors ✓ 30.12.2004	1-20
Chapter 9	Dogs ✓ 30.12.2004	1-6
Chapter 10	Electricity Supply ✓ 17.3.2005	1-31
Chapter 11	Financial Bylaw 17.3.2005	1-20
Chapter 12	Fire Safety 17.3.2005	1-17
Chapter 13	Fireworks and Explosives 17.3.2005	1-7
Chapter 14	Halls, Rooms and Sportsfields ✓ 30.12.2004	1-9
Chapter 15	Industrial Effluent 17.3.2005	1-10
Chapter 16	Libraries ✓ 30.12.2004	1-8
Chapter 17	Manufacture, storage and sale of foodstuffs ✓ 9-12-2004	1-20
Chapter 18	Markets ✓ 9-12-2004	1-10
Chapter 19	Museums ✓ 9-12-2004	1-3
Chapter 20	Nature Reserve ✓ 18.8.2005	1-3
Chapter 21	Noise Control ✓ 23-12-2004	1-13
Chapter 22	Nuisance ✓ 18.8.2005	1-18
Chapter 23	Parking ✓ 23.12.2004	1-11
Chapter 24	Parking of Heavy Vehicles and Caravans ✓ 23-12-2004	1
Chapter 25	Public Amenities ✓ 18.8.2005	1-7
Chapter 26	Removal of Refuse ✓ 19-8-2004	1-9
Chapter 27	Slaughtering of Animals ✓ 19-8-2004	1-3
Chapter 28	Street Trading ✓ 19-8-2004	1-7
Chapter 29	Taxis and bus ranks ✓ 19-8-2004	1-3
Chapter 30	Unightly and Neglected Buildings and Premises ✓ 19/8-2004	1-2
Chapter 31	Tariff of Charges ✓ 11-10-2007	1-51
32	Rates ✓ 11-10-2007	1-17

Final Draft for consideration by Council



KWADUKUZA
M U N I C I P A L I T Y

"Committed to service delivery"

Municipal Offices

Chief Albert Luthuli Street

PO Box 72, KwaDukuza, 4450

Tel: (032) 551 3091 / Fax: (032) 551 4513

Civic Buildings



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO FIRE SAFETY

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), hereby publishes the following bylaws as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

Index

Chapter	Subject
1	Definitions
2	Administration
3	Fire Protection of structure
4	Public Safety
5	Housekeeping
6	Fire Hazards
7	Flammable Liquids and Substances
8	Control of fire-fighting equipment
9	Offences and Penalties
	General Schedules

Chapter 1: Definitions

1. For purpose of these bylaws unless context indicates otherwise:-

“approved” means approved by the Chief Fire Officer;

“bulk storage depot” means any premises where the capacity of storage of flammable liquids exceeds 50 kiloliters, which normally receive its supplies from a refinery or the installation by road, rail, water, pipeline or any combination of these methods, and from where the products are delivered to consumers;

“certificate of registration” means a certificate issued by the Controlling Authority authorising a specific person or organisation to use the premises identified therein for the manufacture, storage, use or handling or selling of flammable liquids or to use the premises for the purpose of spray painting;

“Chief Fire Officer” means the person in charge of a service, or the acting chief fire officer, as contemplated in the Fire Brigade Services Act;



“controlling authority” means the Chief Fire Officer, of the Kwadukuza Municipality;

“dry cleaning room” means that portion of any premises used or intended to be used for the cleaning or treatment for gain or reward of garments or textiles with the aid of flammable liquids in which the dry cleaning process is carried out and which has been approved for the purpose;

“fire brigade” means the Kwadukuza Municipal Service;

“fire-fighting equipment” means any fire-fighting equipment as deemed necessary by the controlling authority;

“fire official” means any official of the fire brigade who has been duly appointed as such by the Chief Fire Officer to undertake or perform any of the functions of a fire official under these bylaws;

“fire point” means the temperature at which a substance evolves flammable vapour at a rate fast enough to prolong combustion once a naked light has been applied;

“flammable liquid or substance” means any substance that is readily ignited, and any liquid or gas falling within the following classification:

- Class O: Liquefied petroleum gases;
- Class I: Liquids that have a closed cup flash point below 21 C;
- Class II: Liquids that have a closed cup flash point from 21C up to and including 55C;
- Class III: Liquids that have a closed cup flash point from 55C up to and including 100C;

“flash point” means the lowest temperature at which application heat causes vapour above a substance to ignite briefly by not burn;

“Municipality” shall mean the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearer, Political Structures, Municipal Manger and any official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“National Building Regulations” shall means the National Building Regulations and Building Standards Act 1977 (Act NO. 103 of 1977) and regulations published in terms thereof;

“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);



“occupier” means the person natural or legal or organisation in actual occupation of the building, land or any other premises or a specific portion of any specific building, land or any other premises and who actually enjoys the benefit thereof;

“owner” means-

- (i) the person or persons in whom from time to time is vested the legal title to the premises, or
- (ii) in cases where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative,

and includes the lawfully appointed agent of any such person;

“population” means the population determined in accordance with the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977);

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

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

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

“registered premises” means premises in respect of which a certificate of registration has been issued;

“SABS Codes” means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act;

“service” as defined by the Fire Brigade Service Act;

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



“spraying room” means any room or structure for or intended to be used for the purpose of spraying vehicles or articles;

Chapter 2 : Administration

2. Administration and enforcement of bylaws

- 2.1 The Chief Fire Officer is responsible for the administration and enforcement of this bylaw.
- 2.2 Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Service Act the Municipal Manager is responsible for the administration and enforcement of the bylaw.
- 2.3 A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this bylaw, subject to compliance with Section 101 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000).
- 2.4 A controlling authority has the authority to summarily abate any condition which is in violation of any provision of these bylaw and which presents an immediate fire hazard or other threatening danger.
- 2.5 A controlling authority may remedy an violation mentioned in subsection 2.4, performing any act, and may also:-
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity, and
 - (d) order the removal of the immediate threat.
- 2.6 Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.
- 2.7 When a controlling authority finds that there is non-compliance with the provisions of these bylaw, excluding the situation in section 2.4, a written notice must be issued and include the following:
 - (a) confirmation of the findings;
 - (b) provisions of this bylaw that are being contravened;
 - (c) the remedial action required, and
 - (d) set forth a time for compliance.
- 2.8 An order or notice issued under this bylaw must be served either by personal delivery on a person or by affixed it in a prominent place on the premises, to a person who is in the opinion of the controlling authority, deemed to be the appropriate person or premises, subject to the provisions of Section 115 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000).
- 2.9 For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

3. Charges

3.1 The Municipality may determine by bylaw as contemplated in Section 74(1) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.

3.2 The municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

4. Indemnity

The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of bodily injury, loss or life or loss of or damage to property or financial loss, which is caused by or arises out of or in connection with anything done or performed in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this bylaw.

5. Reporting a fire hazard and other threatening danger

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

Chapter 3 : Fire Protection of structures

6. Tents

6.1 Prior to or after the erection and usage of a tent for public entertainment or assembly with the capacity to contain more than 250 people the Controlling Authority may at his discretion request the owner of the property to submit an application in terms of these bylaws:

- (a) to the Municipality for the erection and usage of the tent, and
- (b) in terms of the section 7.1 (population control) of this bylaw to the controlling authority for a temporary population certificate.

6.2 The application submitted in terms of subsection 6.1(a) must comply with the following:

- (a) the tent must be erected at least 4.5meters from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
- (b) The requirements set out in the National Building Regulations T1 must be complied within the following instances:-
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;



- (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
- 6.3 Notwithstanding the provisions in subsection 6.1 and 6.2, the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

Chapter 4: Public Safety

7. Prevention and control of overcrowding

- 7.1 Prior to the usage of a premises for public entertainment, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule of this bylaw.
- 7.2 The controlling authority may request additional information from the applicant.
- 7.3 Notwithstanding the provision in subsection 7.1, the controlling authority may instruct the owner or person in charge of the premises to apply for a temporary population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- 7.4 A temporary population certificate is valid for a period not exceeding 30 calendar days.
- 7.5 The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the national Building Regulations T1, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- 7.6 The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection 7.1.
- 7.7 The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- 7.8 The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- 7.9 A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

8. Attendance of a service

- 9.1 When the controlling authority is of the opinion that a service is required to be in attendance before, after and during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises.
- 9.2 When the attendance of a service in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with the Municipality's tariff of charges.

9. Formulation of an emergency evacuation plan

- 9.1 The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- 9.2 The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection 9.1, to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- 9.3 The plan mentioned in subsection 9.1 and 9.2 must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- 9.4 The emergency evacuation plan must be tested in its entirety annually, a record of the testing must be kept in a register.
- 9.5 The register mentioned in subsection 8.4, must contain the following information:-
- (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required, and
 - (d) the name and signature of the person supervising the test.
- 9.6 The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- 9.7 The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.



10. Displaying of escape route plans

- 10.1 In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- 10.2 The controlling authority may require the owner of any other premises to compile and display an escape route plan for the premises.

Chapter 5: Housekeeping

11. Combustible material

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

Chapter 6: Fire hazards

12. Lighting of fires and burning of combustible material

- 12.1 The lighting of fires for the disposal of combustible material by burning is prohibited in residential, business and industrial areas unless prior permission from the controlling authority has been received in writing.
- 12.2 The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- 12.3 The contents of this section do not apply to the controlled burning of sugar cane.

Chapter 7: Flammable substances

13. Application of flammable liquid section

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



14. Storage and use of a flammable substance

- 14.1 Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the national Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- 14.2 Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the abovementioned National Building Regulations (T1) in the presence of the controlling authority.
- 14.3 Notwithstanding subsection 14.2, the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, to be pressure-tested in accordance with the provisions of the abovementioned National Building Regulations (T1).
- 14.4 The controlling authority must be notified prior to the pressure-test being conducted.
- 14.5 Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- 14.6 The owner or person in charge of the premises may not store or use:-
(i) a flammable gas in excess of 19 kilogram, or
(ii) a flammable liquid or substances in excess of 200 litres, unless he is in possession of a valid certificate from the controlling authority.

15. Flammable substance certificate

- 15.1 The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 14.6, must submit an application to the controlling authority as prescribed in the Schedule 2 of these bylaws.
- 15.2 The controlling authority may request additional information from the applicant.
- 15.3 The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the abovementioned national Building Regulations (T1) as well as any additional requirements set out in this bylaw, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, the controlling authority may instruct the



owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 14.6 and the issuing of the certificate.

- 15.4 A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 14.5 applies.
- 15.5 If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the approved flammable substance certificate, he may suspend or revoke an approved certificate until the situation has been remedied.
- 15.6 Notwithstanding subsection 14.5, when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- 15.7 A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- 15.8 A flammable substance certificate is valid only:-
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue, and
 - (c) for the quantities stated on the certificate.
- 15.9 The flammable substance certificate must be available and displayed on a conspicuous place on the premises for inspection at all times.
- 15.10 The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

16. Permanent or temporary above ground storage tank for a flammable liquid

- 16.1 In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- 16.2 A temporary above ground storage tank other than that at a bulk storage depot may be permitted, at the discretion of the controlling authority, provided that the following requirements are complied with:-
 - (a) if it has a capacity not exceeding 9000 litres and is not used for the storage of flammable substances with a flash point below 4°C;
 - (b) to be on the premises for a period not exceeding twelve months;
 - (c) the entire installation must comply with SABS 0131: Part 2, and

- (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- 16.3 Notwithstanding section 16.1, if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- 16.4 The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognized codes.
- 16.5 The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- 16.6 A permanent or temporary tank must be erected at least 3.5 meters from boundaries, buildings and other flammable substances or combustible materials.
- 16.7 A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- 16.8 A permanent or temporary tank exceeding 9000 liters must have a bund wall with a capacity to contain one and a half times the volume of the product.
- 16.9 Adequate precautions must be taken to prevent spillage during the filling of a tank.
- 16.10 Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- 16.11 Symbolic safety depicting “No Smoking”, “No Naked Lights” and “Danger” must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- 16.12 The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- 16.13 A hand, electrical or internal combustion driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- 16.14 The electrical installation associated with the above ground storage tank must comply with SABS 0108.
- 17. Underground storage tank for a flammable liquid**
- 17.1 The design requirements and construction of an underground storage tank must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 0400.



- 18. Bulk storage depot for flammable substances**
The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.
- 19. Small installations for liquefied petroleum gas**
Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 liters and a combined water capacity not exceeding 3000 liters per installation must be installed and handled in accordance with SABS 087: Part 1.
- 20. Bulk storage vessel for liquid petroleum gas**
The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel must be in accordance with the Provisions of the national Building Regulations (T1), read in conjunction with SABS 087: Part 3.
- 21. Termination of the storage and use of flammable substances**
- 21.1 If an above ground or underground tank installation liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:-
- (a) within fourteen days of the cessation, notify the controlling authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise allows in writing, and
- 21.2 If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.
- 22. Reporting accidents**
If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the power or person in charge of the premises must immediately notify the controlling authority.
- 23. Flammable stores**
- 23.1 The construction of a flammable store must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 0400.



- 23.2 The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- 23.3 The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- 23.4 Notwithstanding the National Building Regulations (T1), read in conjunction with SABS 0400:-
- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two hour fire resistance;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located on the top third of the wall per 5m² of wall area or part thereof, so that vapor cannot accumulate inside the store;
- 23.5 When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must nominally above sill level and must discharge through a vertical metal duct termination at least 1 meter above roof height or at least 3.6 meters above ground level, whichever is the greater;
 - (c) conducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- 23.6 Notwithstanding the National Building Regulations (T1), read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- 23.7 When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- 23.8 Notwithstanding the National Building Regulations (T1), read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapor-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- 23.9 No other electrical apparatus may be installed in the flammable store.



25. Liquid petroleum gas containers

- 25.1 A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- 25.2 A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapor there from.

Chapter 8 : Fire Safety Equipment

26. Fire extinguishers

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



27. Testing and maintenance of fire protection systems

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

28. Interference with and access to fire protection systems and fire extinguishers

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

29. Fire alarms and fire hydrants

- 29.1 Without compensation to the owner of the premises concerned, the controlling authority may cause:-
- (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building wall, fence, pole or tree.



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

30. Offences and penalties

- 30.1 Any person who:-
- (a) contravenes any of the provisions of this bylaw or fails to comply therewith, or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to the fines and or imprisonment as may be determined by the Magistrate of a competent court with jurisdiction in the area in which the offence was committed.

31. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Fire Safety made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.