



**BY-LAW:  
RELATING TO VELD, MOUNTAIN & CHEMICAL SUBSTANCES FIRE SAFETY MANAGEMENT**

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## **1. INTRODUCTION**

The Garden Route District Municipality envisages to enact a Fire Safety By-Law, relating to Veld, Mountain, and Chemical Fires. This bylaw is intended for the effective administration and regulation of matters that the Municipality has the right to administer in terms of the applicable legislation and is published for public comment and input, prior to it being gazetted.

## **2. LEGAL FRAMEWORK**

- Section 152 (1 d) & 156(1 & 2) of the Constitution of the Republic of South Africa, 1996, (Act No. 108 of 1996),
- Municipal Systems Act, No. 32 of 2000, Sections 75 (1) & 98 (1).
- Municipal Structures Act, No. 117 of 1998, Section 84 1 (j)
- Fire Brigade Services Act, 99 of 1987,
- National Building Regulations and Building Standards Act, 103 of 1977,
- Hazardous Substances Act, No 15 of 1973,
- South African National Standards: Codes & Specifications (see below)
- National Veld and Forest Fire Act, 101 of 1998,
- National Environmental Management Act, Act No. 107 of 1998 (Air Pollution and Biodiversity Act)
- The Conservation of Agricultural Sections, Act No 43 of 1983, 6 and 7,
- The Environment Conservation Section, Act No. 73 of 1989 29(2)(a) and (4),

## **3. PURPOSE OF THIS BY-LAW**

(a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Garden Route District Municipality.

(b) to repeal all existing, and relevant by-laws of the Municipality; and

(c) to provide for procedures, methods, and practices to regulate fire safety within the jurisdiction of the Municipality.

## **4. SCOPE OF THIS BY-LAW**

This by-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal as well as urban and rural sectors of the community and economy.

The municipality may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law and can also be employed outside the area of jurisdiction of the municipality.

If any provision in this by-law vests or imposes any power, function, or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act (Act 32 of 2000) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

## **5. BY-LAW**

### **BY-LAW RELATING TO VELD, MOUNTAIN & CHEMICAL SUBSTANCES FIRE SAFETY MANAGEMENT**

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### **Preamble**

#### **The Municipal Council of Garden Route District Municipality recognizes that:**

- Everyone has the constitutional right to an environment that is not harmful to their safety or well-being.
- Losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship.
- The protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy.
- Certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole.
- The community has a vital role to play in achieving the objectives of this by-law; and the benefits of a fire-safe environment should be accessible to all.

#### **1. DEFINITIONS**

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

**“Access roads”** means the road, path or other passageway constructed or designated to allow access for emergency vehicles.

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

**“Above ground storage tank”** means a tank situated above a ground for the storage of a flammable liquid.

**“approved”** means as approved by the municipality.

**“boundary”** means any lateral or street boundary of a site.

**“building”** means –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof erected or used for or in connection with:
  - (i) the accommodation or convenience of human beings or animals.
  - (ii) the manufacture, processing, storage, or sale of any goods.
  - (iii) the rendering of any service.
  - (iv) the destruction or treatment of combustible refuse or combustible waste; and
  - (v) the cultivation or growing of any plant or crop.
- (b) any wall, swimming pool, reservoir, bridge, or any other structure connected therewith.
- (c) any fuel pump or any tank used in connection therewith.
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building.

**“Bund wall”** means a containment wall surrounding an above ground storage tank constructed of an impervious material and designed to contain 110% of the contents of the tank.

**“Category B municipality”** means a municipality within the area of jurisdiction of the Garden Route District municipality as contemplated in section 155(1) of the Constitution.

**“Certificate of fitness”** means a certificate contemplated in section 57(1); "certificate of registration" means a certificate contemplated in section 101(1).

**“Chief Fire Officer”** means the person in charge of a service, or the Acting Chief Officer, as contemplated in the Fire Brigade Services Act, Act 99 of 1987.

**“Combustible material”** means combustible refuse, combustible waste, or any other material capable of igniting.

**“Combustible refuse”** means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless.

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

**“Combustible liquid”** means a liquid, which has a close-cap flash point of 380C or above.

**“Competent person”** means a person who is qualified by virtue of his or her experience and training.

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

**“Controlling authority”** means either a Chief Fire Officer, a Municipal Manager or their respective delegates as contemplated in sections 3 and 4 of this by-law.

**“Dangerous goods”** means commodities, substances and goods that are capable of posing a significant risk to health and safety or to property or the environment and that are listed in SANS 10228.

**“Designated area”** shall mean a place designated as an area or feature identified and managed to maintain its unique special character or purpose.

**“dump”** means to abandon or discard any hazardous substance by depositing, discharging, spilling, or releasing it.

**“district”** means the area of jurisdiction of the Garden Route District municipality and includes the area of jurisdiction of the Category B municipalities within such area.

**“emergency”** means any incident or eventuality, which may seriously endanger or may endanger any person or property.

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

**“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.

**“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.

**“Eskom land”** Any land and/or servitude and/or any real right registered in the Deeds Office in Eskom’s name or favour. It also includes rights of way granted to Eskom.

**“Emergency vehicle”** means any fire, rescue or other vehicle intended for use at fires and other threatening dangers.

**“explosives”** means explosives as defined in section 1 of the Explosives Act, 1965.

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

**extinguishing stream”** means the amount of water that the service needs to extinguish a fire.

**“fire”** includes a veld, structural and / or chemical fire.

**“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:

- grass or vegetation that does not exceed 50mm in height.
- lawn or cultivated garden, or
- a road or driveway.

**“Firebreak burning season”** means a specific time bound period as determined by the Chief Fire Officer in conjunction with any other party which may include a registered Fire Protection Association.

**“Fire Brigade Services Act”** means the Fire Brigade Services Act, 1987 (Act 99 of 1987) and any regulations promulgated under the Act.

**“Fire control zone”** may include any premises or area that is in close proximity to an area or premises of high fire risk or sensitive land use.

**“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 equipment”** means such equipment, protective clothing and trained personnel for extinguishing fires as are prescribed; or in the absence of prescribed requirements, reasonably required in the circumstances.

**fire official”** means the Chief Fire Officer and any other official of the Fire Brigade Service who has been duly appointed by the municipality to undertake or perform any of the functions of a fire official under this by-law.

**“firework”** has the meaning assigned thereto in the Explosives Act, Act 26 of 1956, as amended and the Regulations framed in terms thereof and include any article or thing commonly recognized as a firework.

**“Fireworks display”** means the discharge of fireworks as part of a public, religious, or private function.

**“Flammable gas”** as contemplated in SANS 10228, means a gas that at 20°C and at a standard pressure of 101, 3 kilopascals:

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

**“Flammable liquid”** means a liquid or mixtures of liquids or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in SANS 10228:

DANGER GROUP BASED ON FLAMMABILITY		
1	2	3
Danger Group	Closed Cup Flash Point	Initial Boiling Point



Garden Route District Municipality  
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I	-	<35
II	<23	>35
III	>23 <60, 5	>35
IV	>60, 5 100	>35

**“Flammable solid”** as contemplated in SANS 0228, means a solid that is easily ignited by external sources,

such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently.

**“Flammable substance”** means a flammable liquid or a flammable gas.

**“Flammable store”** means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this by-law.

**“Invader plant”** means a kind of plant which has under section 2(3) been declared an invader plant and includes the seed of such plant and any vegetative part of such plant which reproduces itself asexually.

**“Hazardous substance”** means any hazardous substance contemplated in the Hazardous Substances Act.

**“Hazardous Substances Act”** means the Hazardous Substances Act, No 15 of 1973.

**“Heavy fuel”** means heavy continuous brush, more than 1, 8m in height, and timber slash.

**“Land user”** means the owner of land, and includes -

(a) any person who has a personal or real right in respect of any land in his capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether he resides thereon.

(b) any person who has the right to cut trees or wood on land or to remove trees, wood or other organic material from land; and

**Land Survey Act”** means the Land Survey Act, 1997 (Act No. 8 of 1997).

**“Light fuel”** means surface fuels of short grass and light brush up to 0, 6m that burn rapidly and with high intensity.

**“Medium fuel”** means brush up to 1, 8m in height.

**“Municipality”** means the Garden Route District Municipality, a district municipality established in terms of section 12 of the Municipal Structures Act, 117 of 1998; and includes any political structure, political office bearer or duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent, or employee.

**“member”** means a member of the fire service and includes the chief fire officer.

**“Municipal Manager”** means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 (Act 117 of 1998).

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

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

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

(a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality.

(b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies.

(c) National Building Regulations (A21) means the provisions regulating the population of a building.

(d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and

(e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1).

**National Archives and Record Service of South Africa Act** means the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996).

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

**“Non-Combustible”** means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5.

**National Veld and Forest Fire Act** means the National Veld and Forest Fire Act (Act No. 101 of 1998), and any regulations made under that Act.

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

**“occupier”** means any person who occupies or has control over any premises.

**“officer”** means an officer or employee as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957);

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

**“owner”** means:

(a) in relation to premises, other than a building, a natural or juristic person whose identity is determined by operation of law.

(b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the Deeds Office in question.

(c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection, and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and

(d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a) and (b) any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit.

**“Peace officer”** shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 (Act 51 of 1997), in respect of persons authorized by the Municipality to enforce the provisions of this by-law.

**“Person in charge”** means:

(a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management maintenance or utilisation of the premises.

(b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance, or utilisation of the building.

(c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and

(b) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation.

**“Plantation”** Any trees planted and managed by commercial timber growers for commercial purposes.

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

**“prescribed”** means as determined by the municipality.

**“Prescribed fee”** means a fee determined by the Municipal Council by resolution.

**“property”** means anything that is owned by a person or entity.

(i) dedicated to the public.

- (ii) used without interruption by the public for a period of at least thirty years.
- (iii) declared or rendered such by the municipality or other competent authority, or
- (iv) constructed by a local authority, and
- (v) any land, with or without buildings or structures thereon, which is shown as a street on -
  - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
  - (bb) any general plan as defined in the Land Survey Act, 1997 registered or filed in a deed's registry or Surveyor-General's office unless such land is on such plan or described as a private street.

**"Promotion of Access to Information Act"** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

**"Public place"** means any square, park, recreation ground or open space which:

- (a) is vested in the Municipality.
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a Deeds Registry or a Surveyor-General's Office and has been provided for or reserved for the use of the public or even in such ownership.

**"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 the 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, connected with, or belonging to such road, street, or thoroughfare.

**"SANS Codes"** means South African National Standards (SANS) Codes of Practice and Specifications issued in terms of the Standards Act, 1993 (Act 29 of 1993) and includes any reference to SABS Codes.

**"Registered premises"** means any premises in respect of which a certificate of registration has been issued.

**"service"** means a fire brigade service as defined in the Fire Brigade Services Act, 1987 (99 OF 1987).

**"Servitude"** Servitudes are commonly used to establish rights of way or to grant access to essential services, such as water or electricity. Servitudes are an important tool in South Africa for establishing and regulating the rights of landowners and other parties to use land for specific purposes.

**"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.

**"Spray permit"** means a permit contemplated in section 22, schedule G.

**"Spray room"** means a room contemplated in section 52.

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

**"State"** means:

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

**"Storage vessel"** means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

**"Summary abatement"** means to immediately judge a condition to be a fire hazard or other

threatening danger to life or property and to order immediate correction of such condition.

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

“**This by-law**” includes the schedules attached to this by-law.

“**Threatening danger**” means the existence of an unwelcome or undesirable situation which causes or has the potential to cause imminent harm, risk, peril, or injury in the event of an emergency or fire.

“**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.

“**vegetation**” included grass, weeds, leaves, shrubs, and trees.

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

(a) “**road tank vehicle**” means a tank truck, tank trailer or truck-tractor and tank-semi-trailer combination.

(b) “**tank-semi-trailer**” means a vehicle with a tank mounted on it or built as an integral part of it and so constructed that the semi-trailer is drawn by a truck-tractor or another trailer through a fifth wheel connection part of the load rest on the towing vehicle.

(c) “**tank trailer**” means a vehicle with a tank mounted on it or built as an integral part of it and so constructed that when the tank trailer is drawn by a tank truck, practically all its load rests on its own wheels.

(d) “**tank truck**” means a single, self-propelled vehicle with a tank mounted on it.

(e) “**truck-tractor**” means a self-propelled vehicle used to pull a tank-semi-trailer; and

(f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter of this by-law.

“**Urban area**” means land which –

(a) is under the control of a local authority, but excluding any commonage or any other land under

such control which in the opinion of the executive officer is utilized for agricultural purposes; or

(b) is subdivided into erven or lots and public open spaces and streets which are bounded by such erven or lots and public open spaces.

“**Virgin soil**” means land which in the opinion of the executive officer has at no time during the preceding ten years been cultivated.

“**veld**” means open, unoccupied land away from a city, town or farmyard over which cattle and sheep and other stock are turned for grazing purposes and includes an area with or without the crops thereon.

“**veldfire**” means a veld, forest, or mountain fire. (A veld, forest or mountain fire, where veld means the open countryside or peri-urban land beyond the urban limit or homestead boundary)

“**Way leave**” permission to cross or a right of way across land.

“**weed**” means any kind of plant which has under section 2(3) been declared a weed and includes the seed of such plant and any vegetative part of such plant which reproduces itself asexually.

## 2. Purpose, Scope, and Application of this By-law

(1) The purpose and scope of the by-law is—

(a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality.

(b) to repeal all existing, and relevant by-laws of the Municipality; and

(c) to provide for procedures, methods, and practices to regulate fire safety within the

jurisdiction of the Municipality.

(2) This by-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.

(3) The municipality may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law and can also be employed outside the area of jurisdiction of the municipality.

(4) If any provision in this by-law vests or imposes any power, function, or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Municipal Systems Act (Act 32 of 2000) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

## **2.1. Establishment of a fire brigade service**

### **2.1.1 Establishment and maintenance of service**

(1) A service for the area of jurisdiction of the municipality is established as contemplated in section 3(1) of the Act, read with section 156 (1) (a) and Part B of Schedule 4 of the Constitution.

(2) The municipality must maintain the Service, which includes—

(a) appointing a chief fire officer and the necessary members of the Service.

(b) ensuring that such officer and members are properly trained; and

(c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

### **2.1.2. Objects of the Service**

(1) The objects of the Service are—

(a) to prevent the outbreak or spread of a fire.

(b) to fight and extinguish any fire that endangers any person or property.

(c) to protect any person or property against any fire or other danger as contemplated in this by-law.

(d) to rescue any person or property from any fire or other danger as contemplated in this by-law; or

(e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).

(2) The Service may provide any service related to its objects to any other person.

(3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the municipality's equipment or members involved in providing that service are required to deal with an emergency situation, fire hazard or other threatening danger.

### **2.1.3 Reporting a fire hazard and other threatening danger**

1) An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger as contemplated in this by-law, must immediately notify the Service.

(2) An owner or the person in charge of premises must provide all details pertaining to the incident as contemplated in subsection (1), to the Service as requested.

#### **2.1.4. Chief fire officer**

(1) The chief fire officer has the powers as contemplated in sections 8(1) and 8(2) of the Act, and must also—

(a) make or implement such general orders, procedures, rules and such other measures as he may consider necessary for the proper administration and enforcement of this by-law; provided that the making or implementation of such general orders, procedures, rules and such other measures are not inconsistent with the provisions of this by-law or any other by-law or policy of the municipality.

(b) ensure that contact numbers in respect of the Service are made available to the public and other institutions or organisations; and

(c) inform the municipal manager of operational requirements for the structuring of the Service as contemplated in section 5.

(2) Notwithstanding anything to the contrary contained in any other law, the chief fire officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

(3) Whenever the chief fire officer is for any reason unable to perform his duties of office, the municipal manager must appoint a suitably qualified member of the Service as acting chief fire officer to perform the duties and functions of the chief fire officer.

#### **2.1.5. Instructions by members of service**

(1) In addition to any powers as contemplated in section 8 of the Act, a member may give any instruction to any person in order to secure compliance with this by-law or to ensure the safety of any person or property.

(2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.

(3) 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 or barricade any premises, or part thereof, 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 or property.

(e) to take specified steps to comply with this by-law, either immediately or within a specified period; and

(f) if it is not reasonable for steps referred to in paragraph (e) to be taken immediately for the owner or person in charge of the premises concerned, to provide the chief fire officer with a written description of the steps to be taken and a timetable for the taking of these steps in order to ensure compliance with this by-law.

#### **2.1.6. Pretending to be member of service prohibited**

(1) No person may pretend to be a member.

(2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

#### **12. Certificates to identify members of service**

(1) The chief fire officer must provide each member with an identification document identifying that person as a member.

(2) A member, while performing any function or exercising any power as contemplated in this by-law must—

- (a) keep the identification document provided in terms of subsection (1), on his person; and
- (b) produce it for inspection on request by any person.

## **CHAPTER 2: ADMINISTRATIVE PROVISIONS**

### **3. Administration and enforcement**

(1) The Chief Fire Officer is responsible for the administration and enforcement of this by-law.

(2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act, Act 99 of 1987, the Municipal Manager is responsible for the administration and enforcement of this by-law.

(3) Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of this by-law.

### **4. Delegation**

(1) A Chief Fire Officer may delegate any power granted to him in terms of this by-law in accordance with section 19 of the Fire Brigade Services Act.

(2) A Municipal Manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

### **5. Enforcement provisions**

(1) 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 by-law.

(2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this by-law, and which presents an immediate fire hazard or other threatening danger.

(3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:

- (a) call for the immediate evacuation of the premises.
- (b) order the closure of the premises until such time as the violation has been rectified.
- (c) order the cessation of any activity; and
- (d) order the removal of the immediate threat.

(4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

### **6. Authority to investigate**

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

### **7. Failure to comply with provisions**

(1) When a controlling authority, including the Chief Fire Officer, finds that there is non-compliance with the provisions of this by-law, excluding the circumstances as provided for

in section 5(2), a written notice, including the following must be issued:

- (a) confirmation of the findings.
- (b) provisions of this by-law that are being contravened.
- (c) the remedial action required; and
- (d) the time within which the notice must be complied with.

(2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.

(3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

(4) Notwithstanding the provisions contained in subsection (1), a spot fine may be issued when a controlling authority finds that there is non-compliance with the provisions of this by-law.

## **8. Interference with the service**

- (a) No person may interfere with, prevent, obstruct, or hinder the Chief Fire Officer, the Municipal Manager, or any delegated member in the execution of his or her duties as contemplated in the Act and this by-law.
- (b) Any person who contravenes subsection (1) commits an offence.

## **9. Furnishing of false information**

- (a) No person may wilfully give any member of the service any notice, or furnish any information regarding an outbreak of fire, or any other emergency requiring the attendance of the service, and which, to his or her knowledge, is false or inaccurate.
- (b) Any person who contravenes subsection (1) commits an offence.

## **10. Denial, suspension or revocation of an approval or a certificate**

A controlling authority, including the chief fire officer, may refuse, suspend, or revoke an approval or a certificate required by this by-law for:

- (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate; or
- (b) non-compliance with the provisions of the approval or certificate.

## **11. Records required, access to records and release of media statements**

The safekeeping of all relevant records and documents is the responsibility of the controlling authority in terms of the National Archives and Record Service of South Africa.

A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function in respect of the Service must be made in accordance with the provisions of the Promotion of Access to Information Act.

Media statements regarding the Service must only be released as prescribed in terms of the communication strategy of the municipality.



## 12. Charges

(1) The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act, Act 99 of 1987.

(2) The Municipality may charge a fee for the provision of an inspection, re-inspection, or any other service, including fire investigation, as well as the issuing of permits, approvals, or certificates in accordance with the applicable local government legislation regulating the charging of fees and the approved tariff of charges.

3) Any costs incurred by the municipality in connection with the examination or analysis of any sample taken from any premises for the purposes of this by-law, and a report on such analysis by an institution accredited by the local authority, including the chief fire officer, for that purpose may be recovered from the owner or person in charge of the premises or property if such owner or person in charge is not in compliance with this by-law regarding the substance or condition concerned.

4) Notwithstanding the provisions of subsection (1) the controlling authority, including the chief fire officer, may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent, and / or a adequately, circumstantial, agreed upon aggregate of the charges that would have been payable, provided further that in assessing such charges or portion thereof, with due regard, in addition to other factors, be given to-

(a) the fact that the amount so assessed shall be commensurate with the services rendered.

(b) the manner, place and origin of fire or another emergency situation, and

5) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is aggrieved by or is with such assessment, he may lodge a written appeal in terms of Section 10 (3) of the Act.

6) Where applicable, charges will also be considered in accordance with the relevant legislation's offences and penalties.

## 13. Indemnity

The Municipality, controlling authority or a member of the service is not liable for damage or loss as a result of bodily injury, loss of life, 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 by-law.

## 14. Reporting a fire hazard and other threatening danger

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

### **CHAPTER 3: GENERAL PROVISIONS REGARDING THE PREVENTION AND EXTINGUISHING OF VELD FIRES AND REQUIREMENTS FOR FIREBREAKS**

Notwithstanding anything contained in the National Veld and Forest Fire Act, 101 OF 1998, the following applies.

#### **15. Duty to prepare and maintain firebreaks**

(1) Every owner, or occupier of an agricultural holding, or farm, small holding, or similar premises or land, (on whose land) a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land. (It is important to note that it is a criminal offence, as per Section 25 of the Act, if a person fails to prepare or maintain a firebreak in terms of this Act)

(2) (a) If an owner referred to in subsection (1) intends to prepare and maintain a firebreak by burning, he or she must determine a mutually agreeable date or dates with the owners of adjoining land for doing so and inform the fire protection association and fire protection officer for the area, if any.

(b) If agreement cannot be reached, such owner must give to the owners of adjoining land and the fire protection association and fire protection officer for the area, if any, at least 14 days written notice of the day or days during which he or she intends burning firebreaks, fire danger permitting.

(3) An owner of adjoining land who has agreed on a day in terms of subsection (2) (a) or who receives a notice in terms of subsection (2) (b) must-

(a) burn his or her firebreak on the boundary concerned on the same day or days; or

(b) be present at such burning or have his or her agent attend; and

(c) ensure that a sufficient number of persons are present on his or her side of the boundary to prevent any spread of fire when the firebreak is burned.

(4) An owner may not burn a firebreak, despite having complied with subsection (2), if-

(a) the fire protection association, the relevant authority and fire protection officer objects to the proposed burning; or

(b) a warning has been published in terms of subsection 10 (1) (b) because the fire danger is high in the region; or

(c) the conditions are not conducive to the burning of firebreaks.

(5) The owner must inform the owners of adjoining land and the fire protection association, if any-

(a) if burning cannot be done on the agreed day or days referred to in subsection (2) (a) or any of the days referred to in subsection (2) (b); and

(b) of the additional days on which he or she intends to burn because of the failure to do so on the day or days set in terms of subsection (2) (a) or (b).

(6) It is not necessary for the owner to give 14 days' notice of the additional days.

(7) Owners of adjoining land may agree to position a common firebreak away from the boundary.

(8) Should an owner intend to be absent for a period longer than 14 days during the period or part of any period in which burning normally takes place, he or she must give all owners of adjoining land an address and telephone number, if any, at which he or she may be contacted.

(9) If an owner of adjoining land- (a) is not present on the agreed or notified day or days; or (b) has not given an address and telephone number, if any, as required in subsection (8), the owner may proceed with the burning in his or her absence.

(10) A relevant authority or fire protection association may make rules different from subsections (2) to (6) if the new rules are approved by the Minister, in which event members are bound by the new rules and exempt from subsections (2) to (6).

## 16. Requirements for firebreaks

An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain, and vegetation of the area-

(a) it is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land.

(b) it does not cause soil erosion; and

(c) it is reasonably free of inflammable material capable of carrying a veldfire across it, contain no vegetation of more than 50 millimetres in height or combustible residue.

(d) must be a minimum width of 5 meters, however this could be extended or adjusted, depending on the gradient of a location, wind conditions, combustibility of the fuel material, as well as flame height conditions, dependent on the height of vegetation.

**(e)combustible material derived from creating the firebreak must be cleared out so that it cannot be used or contribute as fuel in a fire situation.**

(f) where fire is used to clear out combustible materials (off cuts), including trees, shrubs, and grasses, it must be done under controlled conditions and a burn permit must be obtained first.

(g) Where appropriate, if chipping is the preferred method of clearing off cuts, chips could be distributed within the firebreak. (Wood chips is environmentally friendly and retains moisture in the soil, making it more difficult for fires to spread, however, it is essential to maintain and replenish the wood chips regularly to ensure continued effectiveness)

### 16.1 General Guide on Firebreak width.

Land Type	Prescribed width	Recommended Method
Fynbos/Natural veld agricultural land interface	Width = 2,5 x height (minimum = 5 m)	Crop; Brush cut; hoeing allowed on slopes less than 30 degrees only.
Road verge. (Provincial and District roads)	3 m on either side	Crop; brush cut, hoe, burn.
Alien invasive species & infestations	Width = 2,5 x height (minimum = 5 m)	Crop; brush cut; hoe
Labour cottages, Farm infrastructure and homesteads	10 m	Crop, brush cut, hoe
Stubble land/fallow land	2 m	Cultivate (Crop)

## 16.2 Positioning of Firebreaks

In general, to ensure the minimum environmental impact firebreaks will be positioned (as much as possible):

- on or along existing disturbed areas, e.g. a road, ridges, property boundaries, cultivated land, old farmlands and natural wild divisions,
- to follow the natural lay (contours) of the area and to minimize the visual impact,
- to prevent soil erosion.
- Avoid wetlands and protected, rare and endangered plant communities.

## 17. Exemption from duty to prepare and maintain firebreaks

(1) The Minister may exempt any owner or group of owners from the duty to prepare and maintain a firebreak or firebreaks for good reason.

(2) The exemption may be subject to conditions.

(3) The Minister must consult the fire protection association and relevant authority for the area, if any, before granting any exemption.

## 18. Exemption from prohibitions on damaging plants

The right or duty to prepare and maintain a firebreak in terms of this Chapter prevails over any prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree, except that the owner must-

- (a) where possible, transplant any plant which is protected in terms of any law; or
- (b) where it is safe and feasible, position the firebreak so as to avoid such plant or tree.

## 19. Additional requirements

### 19.1 Urban Edge Fire Breaks

- (a) Must be implemented and maintained on an annual basis.
- (b) it must be wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to structures.
- (c) it must not cause soil erosion and:
- (d) It must be a minimum width of 10 meters, however this must be extended depending on the gradient of a location, wind conditions, density & combustibility of the fuel material, as well as flame height conditions, dependent on the height of vegetation.
- (e) Combustible material derived from creating the firebreak must be cleared out from the site so that it cannot be used or contribute as fuel in a fire situation.
- (f) Fine chipped material is an acceptable form of surface layer within the fire break.

### 19.2 Vacant Land Fire Breaks and Fuel Load Reduction

Vacant land must comply with the requirements as per section 15 (1) as well as compliant with the relevant legislation pertaining to alien invasive species management in terms of the National Environmental Management Act.

### 19.3 Servitude Fire Breaks

Servitudes must have fire breaks on both sides of the utilised road space, and at least 2 - 3 meters wide.

#### 19.4 Power Line Servitudes

The following standard requirements, consistent with that of the **VEGETATION MANAGEMENT AND MAINTENANCE WITHIN ESKOM LAND, SERVITUDES AND RIGHTS OF WAY** Standard for Maximum Vegetation Clearances and prevention of fires in Servitudes and Wayleaves must be utilised as the guideline.

Nominal voltage	Servitude building restriction widths (Measured from the centre line of the power line) *	Maximum Vegetation Clearance
11 kV	9 m	4m on either side of the centre line will be cleared. Grass and scrubs will be managed in accordance with Annex B (refer to 240-52456757) which is biome and land use dependant
22 kV	11 m	4m on either side of the centre line will be cleared. Grass and scrubs will be managed in accordance with Annex B (refer to 240-52456757) which is biome and land use dependant
88 kV	11 m	5 m on either side of the centre line will be cleared. Grass and scrubs will be managed in accordance with Annex B (refer to 240-52456757) which is biome and land use dependant
132 kV	15,5 m	8 m on either side of the centre line will be cleared. Grass and scrubs will be managed in accordance with Annex B (refer to 240-52456757) which is biome and land use dependant
220 to 765 kV	22 m to 40 m	Clear from the centre of the power line up to the outer conductor, plus an additional 10 meters on either side. Grass and scrubs will be managed in accordance with Annex B (refer to 240-52456757) which is biome and land use dependant.
533 kV DC	15 m	8 m either side of the centre line will be cleared. Grass and scrubs will be managed to a width of 15 meter either side of the centre of the line

### 19.5 Road Reserve Fire Breaks

All road reserves must have fire breaks on both sides of the tarred or gravel road, and it must be a minimum of 2 – 3 meters wide (The firebreak requirement could be extended depending on the gradient of a location, wind conditions, density & combustibility of the fuel material, as well as flame height conditions, dependent on the height of vegetation.)

### 19.6 Plantation Fire Breaks

Must adhere to the National Veld and Forest Requirements for perimeter fire breaks and must be a minimum of 10 meters wide.

Furthermore, the ENVIRONMENTAL GUIDELINES FOR COMMERCIAL FORESTRY PLANTATIONS IN SOUTH AFRICA: **Fire Protection** must be considered and are accepted as adequate fire prevention guidelines in terms of this by-law.

### 19.7 Railway Fire Breaks

The fire break requirements consistent with the **Transnet Freight Rail property along the rail right of way**, project specification for firebreaks is acceptable in terms of this by-law, i.e.

*B4.1 Standard of firebreaks shall be such that:*

- *it is wide enough but not less than 10 meters, property dimensions permitting, measured inward from both boundary fences and long enough to have a reasonable chance of preventing a veldfire from spreading to or from adjoining property, and*
- *in station areas the width will not be less than 10-meter, property dimensions permitting, measured inward from both boundary fences*
- *it does not cause soil erosion; and*
- *it is reasonably free of combustible material capable of carrying a veldfires across it.*
- *There is no grass or combustible material dry material taller than 150mm present.*

## 20. Firebreak Burning Seasons

The District Municipality Chief Fire Officer may recommend the declaration of firebreak burning seasons in which case the provisions of section (15 and 16) shall apply with the necessary changes.

## 21. Fire Control Zones

(1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must cause such intention to be published in terms of the municipality's public participation policy.

(2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.

(3) If the municipality decides to hold a public inquiry, it must:

- (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
- (b) determine the procedure for the public inquiry, which may include a public hearing.

(4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.

(5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and

(6) After the municipality has considered any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.

(7) The municipality must publish such zone or amended zone.

## **22. Controlled burn fire permit**

(1) The owner, occupier, or person in charge of any land, who requires a fire permit **must apply to the controlling authority** as prescribed in Schedule 4 of this By-law.

(2) The controlling authority may request additional information from the applicant.

(3) The controlling authority must refuse to issue the fire permit if the land and/or premises do not comply with the requirements of the National Veld and Forest Fire Act (Act No. 101 of 1998) as well as additional requirements set out in this By-law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner, occupier or person in charge of the land in writing to take all reasonable steps to render the premises safe prior to the issuing of the certificate.

(4) A fire permit is only valid for a period of six months and must be renewed, on or before the date as indicated on the fire permit.

(5) If at any time the controlling authority becomes aware that the usage of the permit is not in accordance with the issued certificate, he must act in terms of section 7 and relevant subsections of this By-law.

**(6) A fire permit is valid only: —**

**(a) for the land or property for which it was issued.**

(b) for the state of the premises at the time of issue, and

(c) for the time stated on the permit.

**(7) The fire permit must always be available on the premises for inspection.**

(8) The controlling authority must keep records of all land or property in respect of which a fire permit has been issued, amended, and renewed.

## **23. Readiness for firefighting**

(1) **Every owner on whose land** a veldfire may start or burn or from whose land it may spread **must-**

**(a) have such equipment, protective clothing and trained personnel for extinguishing fires as are-**

(i) prescribed; or

(ii) in the absence of prescribed requirements, reasonably required in the circumstances.

**(b) ensure that in his or her absence responsible persons are present on or near his or her land who, in the event of fire, will-**

**(i) extinguish the fire** or assist in doing so; and

**(ii) take all reasonable steps to alert the owners** of adjoining land and the relevant fire protection association, if any.

(2) An owner may appoint an agent to do all that he or she is required to do in terms of this section.

#### **24. Actions to fight fires**

(1) Every owner, occupier, or person in control of land, on whose land a veldfire may start or burn or from whose land it may spread **must**; —

(a) have such equipment, protective clothing and trained personnel for extinguishing fires as are—

(i) prescribed; or

(ii) in the absence of prescribed requirements, reasonably required in the circumstances.

(b) **ensure that in his or her absence responsible persons** are **present** on or near his or her land who, in the event of fire, will.

(i) extinguish the fire or assist in doing so; and

(ii) **take all reasonable steps to alert the owners** of adjoining land **and** the fire service in the area.

(2) Any owner, occupier, or person in control of land on which a fire occurs **must take** all reasonable steps to extinguish the fire or to confine it to that land or to prevent it from causing damage to property on adjoining land.

(3) An owner, occupier, or person in control of land may appoint an agent to do all that he or she is required to do in terms of this section.

(4) **Any person who contravenes subsection (1), (2) and (3) commits an offence.**

#### **25. Fire Danger Rating**

(1) The Minister must prepare and maintain on a continuous basis a fire danger rating system for the entire country in consultation with-

(a) the South African Weather Bureau or any successor to that Bureau; and

(b) fire protection associations.

(2) The Minister may consult other organisations with expertise, information, or equipment relevant to the establishment or maintenance of a fire danger rating system.

(3) The Minister must divide the entire country into separate regions, each region being one in which the fire danger is usually sufficiently uniform to allow for a single rating which is meaningful for the entire region.

(4) The fire danger rating system must-

(a) take into account the relevant peculiarities of each region, including, where reasonably possible-

(i) the topography.

(ii) the type of vegetation in the area.

(iii) the seasonal climatic cycle.

(iv) typical weather conditions.

(v) recent weather conditions.

(vi) current weather conditions.

(vii) forecasted weather conditions; and



(viii) any other relevant matter.

(b) incorporate the formula or formulae needed to-

- (i) take into account factors affecting the fire danger for each region.
- (ii) calculate the indicators needed to rate the fire danger.
- (iii) rate the fire danger in each region for an appropriate period or periods.

(c) show the rating in a clear format; (d) identify-

- (i) what activities are dangerous and what precautions should be taken for each rating; and
- (ii) when the fire danger is rated as high or extreme.

The Minister may require any fire protection association to provide information needed for the fire danger rating system within a period specified by him or her.

## **26. Communication of fire danger rating**

(1) The Minister must-

(a) communicate the rating of the fire danger for each region to the fire protection associations in that region regularly.

(b) when the fire danger is rated as high or extreme in any region, publish a warning at the earliest possible opportunity in all the main languages used in that region-

- (i) on three television channels and three radio stations broadcasting to that region; and
- (ii) in two newspapers circulating in that region; and

(c) ensure that recordings are kept of the broadcasts and copies are kept of the newspaper notices.

(2) When the Minister has published a warning in terms of subsection (1) (b), **no person may light, use, or maintain a fire in the open air in the region where the fire danger is high or extreme.**

(3) The warning referred to in subsection (1) (b) must-

- (a) say that the fire danger is high or extreme.
- (b) refer to the **prohibition** on lighting, using, or maintaining fires in the open air; and
- (c) identify the region in which and the period for which the prohibition applies.

(4) The Minister may publish the warning in such other media or employ any other means as he or she considers appropriate to ensure that it is effectively communicated.

## **27. Delegation of powers and duties**

The Minister may delegate any of his or her powers or duties in terms of this Chapter to-

(a) the South African Weather Bureau if the Director-General of the Department of Environmental Affairs and Tourism agrees.

(b) any successor to that Bureau; or

(c) an organisation with the necessary expertise and may pay such an organisation for its services from money appropriated by Parliament.

## **28. Light, use or maintain a fire in open air**

(a) No person may light, use, or maintain a fire in the open air in the region where the fire

danger is high.

- (b) "A prohibition on the lighting of fires in the open air comes into force when the Minister, or the South African Weather Bureau warns in the media that the fire danger is high."
- (c) No person may, in the open air.
- (d) lit, use, or maintain a fire without an approved fire permit issued by the fire service of the area.
- (e) leaves unattended a fire which he or she lit, used, or maintained before that fire is extinguished.
- (f) lights, uses, or maintains a fire, whether with or without permission of the owner, which spreads and causes injury or damage.
- (g) throws, puts down or drops a burning match or other burning material or any material capable of spontaneous combustion or self-ignition and, by doing so, makes a fire which spreads and causes injury or damage.
- (h) lights, uses, or maintains a fire in a road reserve.
- (i) other than in a fireplace which has been designated by a competent authority; or
- (j) for a purpose other than the burning of a firebreak in terms of the relevant section of this by-law or.
- (k) smoke where smoking is by notice prohibited,

## 29. OFFENCES AND PENALTIES (ss 24-25)

This Chapter sets out the relevant offences in terms of the National Veld and Forest Fire Act and the penalties applicable.

### Offences

(1) **Any person who** lights, uses, or maintains a fire in the open air in contravention of section 28 is guilty of a first category offence.

(2) **Any person who**, in the open air-

- (a) leaves unattended a fire which he or she lit, used, or maintained before that fire is extinguished.
- (b) lights, uses, or maintains a fire, whether with or without permission of the owner, which spreads and causes injury or damage.
- (c) throws, puts down or drops a burning match or other burning material or any material capable of spontaneous combustion or self-ignition and, by doing so, makes a fire which spreads and causes injury or damage.
- (d) lights, uses, or maintains a fire in a road reserve-
  - (i) other than in a fireplace which has been designated by a competent authority; or
  - (ii) for a purpose other than the burning of a firebreak in terms of sections 12 to 16; or
- (e) smokes where smoking is by notice prohibited, is guilty of a second category offence.

(3) **Any person who-**

- (a) fails to prepare a firebreak when obliged to do so in terms of section 12 (1) or 14
- (b) fails to give notice of intention to burn a firebreak in terms of section 12 (2) (b).
- (c) burns a firebreak when a local authority and / or fire protection association has objected in terms of section 12(4)(a); or
- (d) fails to inform adjoining owners of the matters referred to in section 12 (5), is guilty of a second category offence.

(4) **Any person who-**

- (a) fails to meet the standards of readiness for firefighting referred to in section 17 (1).

(b) fails to notify the persons referred to in section 18 (1) (a).  
(c) refuses to assist a fire protection officer or a forest officer in terms of section 18 (3) (b) or 18 (4) (b); or  
(d) hinders or obstructs any person referred to in section 18 (2) or any fire protection officer referred to in section 18 (3) or any forest officer referred to in section 18 (4), is guilty of a second category offence.

(5) **Any owner, occupier, or person** in control of land on which a fire occurs who fails to take reasonable steps to extinguish the fire or to confine it to that land or to prevent it from causing damage to property on adjoining land, is guilty of a first category offence.

(6) **Any person who-**

(a) prevents a fire protection officer, forest officer, a police officer **or an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act, 1987 (Act 99 of 1987)**, from acting in terms of section 27, 28 or 29; or

(b) in any way interferes with him or her in the performance of his or her duties in terms of section 27, 28 or 29, is guilty of a third category offence.

(7) Negligence amounts to fault for the purposes of an offence in terms of this section.

## Penalties

(1) A person who is guilty of a first category offence referred to in section 25 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two (2) years, or to both a fine and such imprisonment.

(2) A person who is guilty of a second category offence referred to in section 25 may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to one (1) year, or to both a fine and such imprisonment.

(3) A person who is guilty of a third category offence referred to in section 25 may be sentenced on a first conviction for that offence to a fine or community service for a period of up to six (6) months, or to both a fine and such service.

(4) A person who is guilty of a second or third category offence may be sentenced on a second conviction for that offence as if he or she has committed a first or second category offence, respectively.

(5) A court which sentences any person to community service for an offence in terms of this Act must impose a form of community service which benefits the environment if it is possible for the offender to serve such a sentence in the circumstances.

## 30. ENFORCEMENT

This Chapter sets out the powers of registered officers, including fire protection officers to police the provisions of this Act effectively.

### 30.1 Implementation of this Chapter

(1) A fire protection officer has the power to enforce the Act in terms of this Chapter only if he or she is registered in terms of section 6 (6).

(2) (a) A forest officer, a police officer, **and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act, 1987 (Act 99 of 1987)**, have the power to enforce the Act in terms of this Chapter.

(b) A reference to a fire protection officer in sections 27, 28 and 29 includes the officers

referred to in paragraph (a).

(3) A fire protection officer exercising powers under this Act must carry with him or her, and produce on request, the prescribed proof of his or her identity and appointment as a fire protection officer.

(4) A reference to an offence in this Chapter means an offence in terms of this Act.

(5) (a) A court which imposes a fine for an offence in terms of this Act, may order that a sum of not more than one-fourth of the fine be paid to any person whose evidence led to the conviction or who helped bring the offender to justice.

(b) An officer in the service of the State may not receive such an award.

### **31. Power to enter and search.**

(1) The Chief Fire Officer or fire protection officer may enter and search any land or premises without a warrant if he or she has reason to believe that an offence has been or is being committed there and-

(a) the person in control of the land or premises consents; or

(b) the chief fire officer or fire protection officer has reason to believe that a warrant would be issued if he or she were to apply for such warrant, but the delay caused by applying would defeat the object of the entry or search.

(2) The chief fire officer or fire protection officer may, without a warrant, stop, enter, and search any vehicle, or stop and search any beast of burden which he or she reasonably suspects are being or has been used in the commission of an offence.

### **32. Power to seize.**

(1) The Chief Fire Officer or fire protection officer may seize without a warrant-

(a) any vehicle, tool, weapon, animal, or other thing which he or she has reason to believe has been or is being used in the commission of an offence.

(b) anything which he or she has reason to believe might be used as evidence in the prosecution of any person for an offence.

(2) Where any vehicle or animal is seized in terms of subsection (1) (a), the person in control of the vehicle or animal must take it to the place pointed out by the fire protection officer.

(3) The place pointed out must be that which in the opinion of the fire protection officer is the nearest or most convenient for keeping the vehicle or animal.

(4) The vehicle or animal may be kept there pending the outcome of any proceedings in terms of this Act.

(5) If the person in control of the vehicle or animal refuses to take it to the place, a fire protection officer may do so.

(6) In order to safeguard a vehicle which has been seized, a fire protection officer may immobilise it by removing a part.

(7) The part must be kept safely and returned to the vehicle in good order when it is released.

(8) An item seized under this section must be kept securely and in good order.

### **33. Power to arrest.**

(1) The chief fire officer as fire protection officer may arrest any person whom he or she reasonably suspects to have committed-

(a) a first or second category offence; or

(b) a third category offence and who in his or her opinion will fail to appear in answer to a summons.

(2) In making an arrest, a fire protection officer must-

(a) not use more force than is reasonably necessary if the arrest is resisted.

(b) respect the constitutional rights of the person arrested.

### **34. Notices to owners**

(1) Where any person is required to give notice to an owner in terms of this Act (and By-Law), he or she must do so-

- (a) by hand delivery of the notice; or
- (b) by registered mail.

(2) If notice cannot be given to an owner because he or she is absent, notice may be given to the person apparently in charge of the land or, failing such a person, any person over the age of 16 years apparently residing on the land.

(3) If there is no person referred to in subsection (2), notice may be given by leaving a copy of the notice in a prominent place on the land in question.

### **35. Limitation of liability (In terms of the National Veld and Forest Fire Act, and this bylaw)**

Neither the State, nor any other person is liable for any damage or loss caused by-

- (a) the purported exercise of any power or performance of any duty; or
- (b) the failure to exercise any power or perform any duty, in terms of this Act, unless the State or person responsible did so-
  - (i) in bad faith if it relates to a power or duty in Chapter 3; or
  - (ii) negligently or in bad faith, if it relates to a power or duty in any other part of the Act.

### **36. Presumption of negligence (In terms of the National Veld and Forest Fire Act, and this bylaw)**

(1) If a person who brings civil proceedings proves that he or she suffered loss from a veldfire which-

- (a) the defendant caused; or
- (b) started on or spread from land owned by the defendant, the defendant is presumed to have been negligent in relation to the veldfire until the contrary is proved unless the defendant is a member of a fire protection association in the area where the fire occurred.

(2) The presumption in subsection (1) does not exempt the plaintiff from the onus of proving that any act or omission by the defendant was wrongful.

## **CHAPTER 4: DECLARATION OF FIRE CONTROL ZONES**

### **37. Declaration of fire control zones**

(1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must cause such intention to be published in terms of the municipality's public participation policy.

(2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.

(3) If the municipality decides to hold a public inquiry, it must:

- (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
- (b) determine the procedure for the public inquiry, which may include a public hearing.

(4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.

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(5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and

(6) After the municipality has considered any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.

(7) The municipality must publish such zone or amended zone

## CHAPTER 5: HOUSEKEEPING

### 38. Combustible waste and refuse

(1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

(3) The owner or person in charge of premises, may not allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal, or property.

(4) If a fire hazard as contemplated in subsection (3) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by –

(a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres.

(b) pruning, chopping down or sawing any shrub or tree; and

(c) removing any resulting combustible residue from the property.

(5) The owner or person in charge of railway lines, may not allow any vegetation to grow in the area between railway tracks.

(6) The owner or person in charge of railway lines, may not allow any vegetation to become overgrown at any place within a distance of three (3) metres from either track of the railway line.

(7) The owner or person in charge of overhead power lines may not allow any vegetation to become overgrown at any place in the servitude directly under the lines within a minimum distance of the maximum width of such overhead power lines; and a 5m radius around towers and support stays.

### 39 Accumulations in chimneys, gutters, flues, and ducts

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

### 40. Sources of ignition

(1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.

(2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.

(3) An adequate distance, as deemed appropriate by the controlling authority must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

#### **41. Smoking**

(1) A person may not throw or smoke a cigar, cigarette, pipe, tobacco, or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw, or deposit any lighted or smouldering substance in any place where expressly prohibited.

(2) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

(3) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

#### **42. Flame-emitting device**

A person may not cause or permit a flame-emitting device, such as a lantern, but not limited thereto, to be used in a manner, which is likely to create a veld fire hazard or other threatening danger.

### **CHAPTER 6: FIRE HAZARDS**

#### **43. Combustible material**

The owner or person in charge of a premises or erven 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.

#### **44. Lighting of fires and burning of combustible material**

(1) The lighting of fires and the disposal of combustible material by burning are prohibited, save for in the circumstances set out in this section.

(2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner, which will not cause a veld fire hazard or other threatening danger.

(3) 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.

(4) Before the owner or person in charge of a farm or small holding, or an organ of state controlling non-proclaimed residential areas may dispose of combustible material by burning, and before making an application in writing for approval from the controlling authority, prior approval must be obtained in terms of the applicable legislation set out in Schedule 4.

(5) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilized for residential purposes provided that the prior approval is obtained from the controlling authority and such approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 4.

#### **45. Designated areas**

Combustible material must only be burned in designated burning areas, including pits and or rings, with a maintained fire break all round.

#### **46. Certain fires prohibited**

(1) No person may make or allow any other person to make a fire that may endanger any person, animal, or property.

(2) No person may burn or allow any other person to burn any refuse or combustible material—



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- (a) without the prior written permission of the chief fire officer; or
- (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal, or property.
- (4) The prohibition in subsection (2) does not apply to any fire made—
  - (a) in an approved and purpose-made stove, designated fireplace or hearth that forms an integrated part of a building or structure.
  - (b) for the purpose of preparing food on private premises set aside for that purpose; or
  - (c) in any device for preparing food which.
    - (i) is heated by electricity or liquefied petroleum gas; and
    - (ii) is so positioned that the fire does not endanger any person, animal, or property. (5)

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

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

#### **47. Flame – emitting devices**

A person may not cause or permit a flame-emitting device, such as a lantern, but not limited thereto, to be used in a manner, which is likely to create a veld fire hazard or other threatening danger.

#### **48. Smoking restrictions and discarding of combustibles**

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

### **CHAPTER 7: REGULATION OF FIREWORKS**

#### **49. Designation of places and conditions**

The Municipality may, by annually publishing notices in at least 3 newspapers circulating in its area of jurisdiction, designate places as places where legally permitted fireworks as defined in the Explosives Act, Act 15 of 2003, and the regulations framed thereunder, may be discharged.

#### **50. Discharge of fireworks**

- (1) Any person who wishes to use or discharge any fireworks may only do so if he or she is in possession of a permit authorizing such use, issued by an inspector in the manner prescribed by the Explosives Act, Act. 15 of 2003 and must make application for permission for fireworks display as set out in Schedule 1 (I).
- (2) The Municipalities may designate:
  - (a) any public open space; or

(b) on the application of the owner or lawful occupier, any private open space as defined in the Zoning Regulations of the relevant Municipalities or its legal predecessors as the only place at which fireworks may be discharged, and further the Municipalities may impose conditions as to the dates on which and/or periods of time and/or hours when such discharge may take place and further may impose conditions as to the manner of discharge.

(3) No person may discharge any firework outside an area designated by the Municipalities.

#### **51. Dealing in fireworks**

(1) No person may deal in fireworks unless –

- (a) that person hold the required fireworks licence in terms of the Explosives Act; and
- (b) has written authority from the Chief Fire Officer.

(2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) must –

- (a) complete an application in the form and manner determined by the Municipality; and
- (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.

(3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of this by-law.

#### **52. Seizure of fireworks**

A member of the Fire Service or a Law Enforcement Officer of the Municipality may take into his possession any fireworks found by him in contravention of this by-law and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

#### **53. Designated Places**

Designated places for discharging of fireworks approved as per clauses (49) and (50)

### **CHAPTER 8: CHEMICALS & FLAMMABLE SUBSTANCES**

#### **54. Application of this chapter**

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

#### **55. Storage and use of flammable substances**

(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.

(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 National Building Regulations (T1) in the presence of the controlling authority.

(3) Notwithstanding subsection (2), the controlling authority may require an existing above ground

or underground storage tank installation, liquid petroleum gas installation or associated pipe work

to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).

(4) The controlling authority must be notified at least 48 hours prior to the pressure test.

(5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.

(6) The owner or person in charge of the premises may not store or use—

(i) a flammable gas indoors in excess of the requirement of SANS 10087 (5.2.2), or

(ii) a flammable gas outdoors in excess of 38kg; or

(iii) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority.

### **56. Application for a flammable substances certificate**

(1) The owner or person in charge of premises who requires a flammable substance certificate mentioned in section 51 (6), must submit an application to the controlling authority as prescribed in Schedule 1 (E) of this by-law.

(2) The controlling authority may request additional information from the applicant.

(3) If the controlling authority issues a certificate of registration for flammable substances, he must endorse on the certificate –

(a) the class and quantity of the flammable substance for which the premises have been registered.

(b) the number of storage tanks or storage facilities on the premises and their capacities.

(c) the number of flammable substance storerooms on the premises and their capacities.

(d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stores on the premises.

(e) the number of storage facilities for any other flammable substance and the volume of each such facility.

(f) the period of validity and expiry date of the certificate; and

(g) the physical address of the premises and the name and postal address of the occupant.

(h) a certificate of registration: –

(a) is not transferable between premises.

(b) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing; and

(c) may not be issued by the Chief Fire Officer for a period exceeding 12 months.

(4) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law and where the controlling authority is of the opinion that the noncompliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 51 (6) and the issuing of the certificate.

(5) 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 51(5) applies.

(5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of section 5(2) or section 6 and section 7 of this by-law.

(6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilized for any process in a manner which is hazardous to life or property, or an installation is unauthorized an order may be issued for the removal of the flammable substance or installation from the premises.

(7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable

substance certificate issued by the controlling authority.

(8) A flammable substance certificate is valid only:

- (a) for the installation for which it was issued.
- (b) for the state of the premises at the time of issue; and
- (c) for the quantities stated on the certificate.

(9) The flammable substance certificate must be available on the premises for inspection at all times.

(10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended, and renewed.

### **57. Permanent or temporary above ground storage tank for a flammable liquid**

(1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.

(2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:

- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C.
- (b) to be on the premises for a period not exceeding six months.
- (c) the entire installation must comply with SANS 0131: Part 2; and
- (d) written application together with a plan must be forwarded to the controlling authority at least fourteen (14) days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.

(3) Notwithstanding section 41(1), if a larger capacity above ground storage tank is required, the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code, or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).

(4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognized codes.

(5) The rated capacity of a permanent or temporary tank must provide sufficient spillage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

(6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.

(7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.

(8) A permanent or temporary tank must have a bund wall.

(9) Adequate precautions must be taken to prevent spillage during the filling of a tank.

(10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.

(11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.

(12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS10232: Part 1.

(13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.

(14) The electrical installation associated with an above ground storage tank must comply with SANS 10108.

### **58. Underground storage tank for a flammable liquid**

The installation of underground storage tanks, pumps, dispensers, and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SANS 10400, SANS 089: Part 3 and SANS 0131: Part 3.

### **59. 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 with SANS 089: Part 1.

### **60. Small installations for liquefied petroleum gas**

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1

### **61. Handling, storage, distribution, and maintenance of liquid petroleum gas in domestic, commercial, and industrial installations**

Liquefied petroleum gas installations involving storage gas containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

### **62. Liquid petroleum gas installation in mobile units and small non-permanent buildings**

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 10087: Part 2.

### **63. Liquefied petroleum gas installations exceeding 500 L**

Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 litres must be installed and handled in accordance with SANS 10087: Part 3.

### **64. Transportation of liquefied petroleum gas by road**

The transportation of liquefied petroleum gas by road must be in accordance with SANS 10087: Part 4.

### **65. Liquefied petroleum gas application as engine fuel**

The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines must be in accordance with SANS 10087: Part 6.

### **66. The fuelling of forklift trucks and other LP gas operated vehicles**

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SANS 10087: Part 8.

### **67. The storage and filling of refillable liquid petroleum gas containers**

(1) Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 7.

(2) Mobile filling stations for refillable petroleum gas (LPG) containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 10.

### **68. Bulk storage vessel for liquid petroleum gas**

The layout, design, and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

## **69. Termination of the storage and use of flammable substances**

- (1) If an above ground or underground tank installation liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance,

the owner or person in charge of the premises on which the installation was erected must:

- (a) within seven (7) days of the cessation, notify the controlling authority in writing thereof.
  - (b) within thirty (30) days of the cessation, remove the flammable substance from the installation and render it safe.
  - (c) within six (6) months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and
  - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven (7) days of the completion of the removal of the installation
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

## **70. 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 owner or person in charge of the premises must immediately notify the controlling authority.

## **71. Flammable stores**

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400:
- (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 in the top third of the wall 5 m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store.
  - (c) the airbricks must be covered both internally and externally with closely woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
  - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously.
  - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least one metre above roof height or at least 3,6 metres above ground level, whichever is the greater.
  - (c) ducting material that is external to the store, but communicates with the remainder of the building must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
  - (d) the ducting must be as short as possible and must not have sharp bends.

(6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.

(7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.

(8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400,

artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.

(9) No other electrical apparatus may be installed in the flammable store.

(10) A flammable store must be provided with a foam inlet consisting of a 65-millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100-millimetre block letters.

(11) Racking or shelving erected in the flammable store must be of non-combustible material.

(12) The flammable store must be identified by the words "*Flammable Store – Bewaarplek vir Vlambare Vloeistowwe – Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo*", and the permissible quantity allowed within the flammable store indicated in 100-millimetre block letters on both the inside and outside of all doors communicating directly with the store.

(13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.

(14) A person shall not enter a flammable store, cause, or permit it to be entered without the permission of the owner or person in charge of the premises.

(15) Sufficient fire extinguishers, as determined by the controlling authority must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.

(16) Any hand tool used in the flammable store must be intrinsically safe.

(17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:

(a) within seven (7) days of the cessation notify the controlling authority in writing thereof.

(b) within thirty (30) days of the cessation, remove the flammable substance from the flammable store and render it safe; and

(c) within thirty (30) days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

## **72. Container handling and storage**

(1) All flammable substance containers must be kept closed when not in use.

(2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.

(3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.

(4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.

(5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.

(6) An empty flammable liquid container must be placed in a flammable store.

(7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open, provided that:

(a) The storage area must be in a position and of sufficient size, which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger.

(b) The storage area is well ventilated and enclosed by a wire mesh fence and:

- (i) the fence supports are of steel or reinforced concrete.
- (ii) has an outward opening gate that is kept locked when not in use; and
- (iii) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key.
- (c) The storage area is free of vegetation and has a non-combustible firm level base.
- (d) A two-metre distance around the perimeter of the fenced area is clear of grass, weeds, and similar combustible materials.
- (e) When the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material.
- (f) Open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SANS 1186: Part 1.
- (g) Firefighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

### **73. Spray rooms and booths**

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

(1) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless –

- (a) that person is in possession of a spraying permit.
- (b) that spraying, coating, plating, or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose; and
- (c) any person who contravenes subsection (1) commits an offence.

(2) Any person who wishes to obtain a spraying permit must complete and submit to the Chief Fire Officer an application form for such permit in the form and manner as prescribed.

### **74. Liquid petroleum gas containers**

(1) A liquid petroleum gas container must be manufactured, maintained, and tested in accordance with SANS 10087: Part 1 and SANS 10019.

(2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.

(3) A liquid petroleum gas container of a capacity not exceeding nine (9) kilogram must be filled and stored in accordance with SANS 10087: Part 7.

### **75. Discard of flammable liquor or substances in sewer or drains**

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

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

### **76. Combustible or flammable substances and sweeping compounds**

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



substances spilled or dropped in the course of a process is prohibited.

## **CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS**

### **77. Dangerous goods certificate**

(1) The operator of a vehicle designated for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a Fire Brigade Service in terms of the National Road Traffic Act.

(2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 1 (K) of this by-law.

(3) The controlling authority may request additional information from the applicant.

(4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SANS 10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied; he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1) as well as the dangerous goods certificate.

(5) A dangerous goods certificate must be renewed annually on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.

(6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 5(2) or section 6 and section 7 of this by-law.

(7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection

(1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.

(8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1) unless the operator meets the requirement in subsection (7).

(9) A dangerous goods certificate is valid only:

(a) for the vehicle for which it was issued.

(b) for the state of the vehicle at the time of issue; and

(c) for the quantities stated on the certificate.

(10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.

(11) The controlling authority must keep records of all vehicles in respect of which dangerous goods certificate has been issued, amended, and renewed.

## **CHAPTER 10 PUBLIC SAFETY**

### **78. Attendance of a service**

When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof. When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 12 of this By-law.

## **CHAPTER 11: GENERAL PROVISIONS (MISCELLEANUOS)**

### **79. Exemption from provisions of this by-law**

- (1) Any person may make application to the municipality in writing, for an exemption from any provision of this by-law, specifying the reasons for exemption in such application.
- (2) The municipality may grant an exemption—
  - (a) in general, or in particular.
  - (b) for any period; and
- (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of this by-law.
- (3) If an exemption is granted in terms of subsection (2), the municipality must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The municipality may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises always concerned for inspection by any member.

### **80. Approval, authorization, or permission under this by-law**

Any approval, authorisation, licence, permission, or exemption which in terms of this by-law.

### **81. Cancellation of approval, authorization, or permission**

The provisions of section 52, read with the necessary changes, apply to any approval, authorization or permission contemplated in section 53.

### **82. State Bound (By-law binds State)**

This by-law binds any organ of state and any person in the service of any organ of state as defined in section 239 of the Constitution, 1996.

### **83. Offences and penalties**

- (1) Any person who: —
  - (a) contravenes any of the provisions of this By-law or fails to comply therewith, or
  - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.
- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time specified by the controlling authority.

### **84. Repeal of by-laws and savings**

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

## 85. Short title and commencement

This by-law shall be known as the Garden Route District Municipality Veld, Mountain & Chemical Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

## 6. PROCESSES

Council Approval - Public Participation – Council Approval.

## 7. BY-LAW REVIEW

Upon approval of this by-law, it will be reviewed as and when required, including when applicable and relevant legislation is amended.

## 8. REFERENCES

- Section 152 (1 d) & 156(1 & 2) of the Constitution of the Republic of South Africa, 1996, (Act No. 108 of 1996),
- Municipal Systems Act, No. 32 of 2000, Sections 75 (1) & 98 (1).
- Municipal Structures Act, No. 117 of 1998, Section 84 1 (j)
- Fire Brigade Services Act, 99 of 1987,
- National Building Regulations and Building Standards Act, 103 of 1977,
- Hazardous Substances Act, No 15 of 1973,
- South African National Standards: Codes & Specifications (see below)
- National Veld and Forest Fire Act, 101 of 1998,
- National Environmental Management Act, Act No. 107 of 1998 (Air Pollution and Biodiversity Act)
- The Conservation of Agricultural Sections, Act No 43 of 1983, 6 and 7,
- The Environment Conservation Section, Act No. 73 of 1989 29(2)(a) and (4),

## 9. ACKNOWLEDGEMENT & APPROVAL

This by-law will be implemented and effective once approved by Council.

## 10. ANNEXURES

SCHEDULE 1 (FORMS)

### A. APPLICATION TO DO A PRESCRIBED/CONTROLLED BURN

Prescribed / Control Burn (please indicate) Application No. _____ Date received _____	<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services
<b><u>APPLICATION FOR PERMISSION TO DO A PRESCRIBED / CONTROL BURN</u></b>	
Application for permission to conduct a prescribe / control burn is made in terms of Garden Route District Municipality By-Law Relating to Veld, Mountain and Chemical Fire Management, Chapter 03 Section 22	
<b>PROPERTY DETAILS</b>	

Garden Route District Municipality

Jou roete na vooruitgang | Ndlela yakho eya empumelelweni | Your route to prosperity

NAME OF PROPERTY			
ERF/FARM NUMBER			
ADDRESS			
LOCAL MUNICIPALITY			
<b>OWNER DETAILS</b> (Person responsible for account, if necessary)			
OWNER		ID NUMBER	
ADDRESS		<b>CONTACT NUMBER</b>	
<b>RESPONSIBLE PERSON</b> (Person in control of the fire)			
NAME		CONTACT NUMBER	
<b>BURN AREA AND FLORA</b>			
REASON FOR BURN			
VELD TYPE			
SIZE OF BURN	HECTARES		
RARE AND ENDANGERED SPECIES, PROTECTED AREAS			
EXOTIC SPECIES PRESENT			
SUFFICIENT PROTECTION AROUND AREA	<b>Yes</b>	<b>No</b>	

<b>RESOURCES PRESENT DURING BURN</b>		
<b>DESCRIPTION</b>	<b>AMOUNT: OWN</b>	<b>AMOUNT: OTHER STAKEHOLDERS</b>
Trained personnel		
Fire Beaters		
Tenders < 1000L		
Tenders > 1000L		
Water pumps and hoses		
Working on Fire		
Local Municipality or Garden Route DM		

LIST OF AUTHORITIES / PERSON THAT WILL BE NOTIFIED		
<b>NOTICE:</b> <ul style="list-style-type: none"> <li>For Prescribe burns the applicant must inform all the relevant Authorities/Persons (as indicated), fourteen (14) days prior to burning and on the day of burn prior to burning.</li> <li>For Controlled burns the applicant must contact the Garden Route District Municipality Fire Services on the morning of the burn prior to burning.</li> </ul>		
Name	Alliance to property	Contact Number
If list is longer, attach additional page		

Hereby I declare, as owner and / or responsible person and / or applicant, for above mentioned prescribe / controlled burn, that all above information is true and correct. By signing this application, I declare that I will abide by the general rules as contained in this application.

\_\_\_\_\_

Signature Name in print Date

An application/inspection fee of R.....excl vat per 15 minutes is payable to GARDEN ROUTE DISTRICT MUNICIPALITY in respect of this application and the subsequent inspection.

For Controlling Authority		
Application is -	Approved	Not approved
If "not Approved" provide reasons:		
Site Inspection conducted. by:	Title:	Department:

\_\_\_\_\_

Signature Date

**B. BURN PERMIT**

Application No. _____ Permit No. _____ Collab No. _____	<b>GARDEN ROUTE DISTRICT                  MUNICIPALITY Fire Services</b>
<b>APPLICANT</b>	
<b>ERF/FARM NUMBER</b>	
<b>ADDRESS</b>	
<b>BURN MATERIAL TYPE</b>	
<b>SIZE OF AREA BURNING</b>	
<b>REASON FOR BURNING</b>	
<b>PERIOD VALID</b>	<b>from</b> _____ <b>to</b> _____

- Permission is hereby granted to the Applicant to carry out a controlled burn of material and on the site as indicated on this permit.
- All the pre-requisites as indicated in the application for a burn permit, the general rules and any additional requirements listed on this permit, must be in place before the burn and on the day of the burn.
- The issuing Authority of this permit will not be responsible for any damage or loss, caused by any fire or action taken by the Permit Holder.
- The Permit Holder accepts the responsibility for any damage that might occur as a result of the controlled burn or negligence at the time of the controlled burn.
- The Applicant must telephonically or in person make contact with the Knysna Fire and Rescue Service on the day of the intended controlled burn, prior to carrying out the controlled burn.
- Controlled burning must cease at 14h00 on the day of the burn unless by prior arrangement was made with the Knysna Fire and Rescue Service.
- It is and remains the permit holder's responsibility to ensure that mop up operations takes place after the controlled burn to ensure fire is extinguished and/or contained and posing no threat of intensifying and/or spreading.

<b>Additional requirements:</b>		
APPLICATION/INSPECTION FEE <i>R..... excl vat per 15 minutes</i>	<b>R</b>	
RECEIPT No		
<b>Permit issued by:</b>	<b>Title:</b>	<b>Department:</b>

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

**C. Application for Public Fireworks Display**

<p style="text-align: center;"><b>For official use only</b></p> <p>Application No. _____</p> <p>Certificate No. _____</p> <p>Collab No. _____</p>	<p><b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services</p>
<p><b>APPLICATION FOR PUBLIC FIREWORKS DISPLAY</b></p> <p>Application for permission for a public fireworks display is made in terms of Garden Route District Municipality By-Law Relating to Veld, Mountain, and Chemical Fire Management: Chapter 07 Section 50 of the Veld, Mountain, and Chemical Fire Management By-law</p>	
Name of Applicant / Contact Person	
Trading as	
Contact Numbers	
Postal Address (Applicant)	
Venue / Location of Display	
Erf Number	
Owner of Property	
Reason for Display	
Date(s) of Display	
Time(s) of Display	
Duration of Display	
Details of Fireworks (Pyrotechnics to be Used)	
Name of Pyro technician / Company / responsible person in charge of display	
<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>▶ This application must be submitted at least 14 days prior to date of fireworks display and will be subject to such conditions as may be determined by the controlling authority.</li> <li>▶ Application must include a sketch plan of venue / location indicating the firing point, spectator area, safety distances, etc.</li> <li>▶ The person, company, or organization responsible for the fireworks display shall supply the Garden Route District Municipality with an indemnity in order to safeguard the local authority and its officials from any claims resulting in a loss of life, injury or damage to property that may result from the public fireworks display.</li> <li>▶ In terms of the Explosives Act (Act 26 of 1956), permission must be obtained from the South African Police Services (Chief Inspector of Explosives), prior to the fireworks display taking place (copy to be forwarded to this office)</li> </ul>	
<b>REMARKS:</b>	
<b>Signature of Applicant:</b>	
<b>Address:</b>	
<b>Telephone No.:</b>	
<b>For controlling authority: (Signature)</b>	
<b>Print Name:</b>	
<b>An application/inspection fee of R..... excl vat per 15 minutes is payable to GARDEN ROUTE DISTRICT MUNICIPALITY in respect of this application and the subsequent inspection.</b>	
<b>For controlling authority (Signature)</b>	<b>Date of Issue:</b>
<b>Name of issuing official:</b>	<b>Designation:</b>

**D. PUBLIC FIREWORKS DISPLAY CERTIFICATE**

For official use only Application No. _____ Collab No. _____	<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services		
<b>APPLICANT DETAILS</b>			
NAME OF APPLICANT			
ADDRESS			
CONTACT DETAILS			
VENUE/LOCATION OF PREMISES			
<b>For Controlling Authority: Application Details</b>			
APPLICATION/INSPECTION FEE <i>R..... excl vat per 15 minutes</i>	<b>R</b>		
RECEIPT No			
APPROVED (Subject to attached conditions)	APPROVAL PERIOD		
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; border-right: 1px solid black; padding: 2px;">from (date)</td> <td style="width: 50%; border-bottom: 1px solid black; padding: 2px;">to (date)</td> </tr> </table>	from (date)	to (date)
from (date)	to (date)		
APPROVING OFFICIAL NAME			
APPROVING OFFICIAL SIGNATURE			
DATE			



**E. APPLICATION FOR DANGEROUS GOODS CERTIFICATE**

For official use only		<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services	
Application No. _____	File No. _____		
<b>DANGEROUS GOODS CERTIFICATE APPLICATION</b> Application to convey dangerous goods is made in terms of Garden Route District Municipality By-Law Relating to Veld, Mountain, and Chemical Fire Management By-Law: Chapter 08, Section 71 of the Veld, Mountain, and Chemical Fire Management By-Law			
NAME OF OPERATOR			
TRADING AS			
ERF NO.			
ADDRESS			
CONTACT No.			
<b>LOCATION OF VEHICLE</b>			
ERF NO.			
ADDRESS			
<b>DETAILS OF VEHICLE FOR WHICH A CERTIFICATE OF REGISTRATION IS REQUIRED</b>			
TYPE OR CLASS OF VEHICLE			
REGISTRATION No.			
VIN No			
ENGINE No (if applicable)			
CHASSIS No.			
TARE			
LOAD			
MAKE			
NUMBER OF TANKS			
CAPACITY OF TANKS			
YEAR OF MANUFACTURE OF TANK			
<b>DETAILS OF DANGEROUS GOODS</b>			
FLAMMABLE LIQUID	FLAMMABLE GAS	MULTI LOAD	OTHER
IF MULTI LOAD – LIST SUBSTANCES ON SEPARATE SHEET AND ATTACH		IF OTHER – SPECIFY ON SEPARATE SHEET AND ATTACH	
IDENTIFICATION No. OF SUBSTANCE			
QUANTITY			
OPERATOR SIGNATURE			
<b>An application/inspection fee of R.....excl vat per 15 minutes is payable to GARDEN ROUTE DISTRICT MUNICIPALITY in respect of this application and the subsequent inspection.</b>			
<b>FOR CONTROLLING AUTHORITY</b>			
INSPECTOR NAME	SIGNATURE	DATE	
APPROVED		NOT APPROVED	

**F. DANGEROUS GOODS CERTIFICATE**

For official use only		<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services	
Application No. _____	Collab No. _____		
<b>DANGEROUS GOODS CERTIFICATE</b> <b>Dangerous goods certificate in terms of Chapter 08 Section 71 of the Veld, Mountain, and Chemical Fire Management By-law</b>			
THIS IS TO CERTIFY THAT THE VEHICLE, PARTICULARS OF WHICH ARE GIVEN BELOW, HAS BEEN EXAMINED AND FOUND TO COMPLY WITH THE RELEVANT SECTIONS SANS 10087: PART 4, SANS 10089; PART 1, SANS 1398, AND SANS 1518 FOR THE CONVEYANCE OF DANGEROUS GOODS WITHIN THE LIMITS OF THE MUNICIPAL AREA AND SUBJECT TO ALL APPLICABLE LEGISLATION.			
<b>DETAILS OF OPERATOR</b>			
NAME OF OPERATOR			
TRADING AS			
ERF NO.			
ADDRESS			
CONTACT No.			
<b>DETAILS OF VEHICLE</b>			
TYPE OR CLASS OF VEHICLE			
REGISTRATION No.			
VIN No			
ENGINE No (if applicable)			
CHASSIS No.			
TARE			
LOAD			
MAKE			
NUMBER OF TANKS			
CAPACITY OF TANKS			
YEAR OF MANUFACTURE OF TANK			
<b>DETAILS OF DANGEROUS GOODS</b>			
FLAMMABLE LIQUID	FLAMMABLE GAS	MULTI LOAD	OTHER
IF MULTI LOAD – LIST SUBSTANCES ON SEPARATE SHEET AND ATTACH		IF OTHER – SPECIFY ON SEPARATE SHEET AND ATTACH	
IDENTIFICATION No. OF SUBSTANCE			
SUBSTANCE NAME			
QUANTITY			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or person interested should satisfy themselves as the roadworthiness, construction and condition of the vehicle.			
Dangerous Goods Certificate Fee		R.....per annum	
Receipt No.			
<b>FOR CONTROLLING AUTHORITY</b>			
INSPECTOR NAME	SIGNATURE	DATE	

**G. CONSTRUCTION OF SPRAY BOOTHS**

Application No. _____ File No. _____		<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services
<b>SPRAY BOOTH CONSTRUCTION</b>		
Walls		225mm Brickwork
Roof		Reinforced concrete
Floor		Concrete or other impervious material
Doors	A	Constructed of 50mm hardwood completely covered, including the edges, with 24s.w.g. metal secured to the door with bolts at 30mm centers along the edges. The doors to open outwards and to be hung on tee hinges bolted to the door
	B	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all-round overlap of not less than 50mm
Windows		Metal frames with no opening sections glazed with wire- woven glass not exceeding 460mm x 460mm. putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Chief Fire Officer: Fire Services
Note		The Factory Inspector requires natural light to the extent of 20% of the floor area.
Ventilation		30 Lineal meters/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) meter above the apex of the roof. No right-angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) meter centers or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
Note		If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm lagging.
Ventilation Inlets		The wall opposite the exhaust fans to be honeycombed with airbricks from 100 mm above floor level to a height of not less than two (2) meters
<u>Minimum No. of air bricks</u>		<u>Size of room</u>
40		Up to, but not exceeding 140 cubic meters.
65		Up to but not exceeding 280 cubic meters.
90		Up to but not exceeding 470 cubic meters.
150		Up to but not exceeding 650 cubic meters
Note		Metal fillers with metal swarf elements may only be used in an all-metal installation, in lieu of air bricks
Electrical Work		All electrical work must be of flame-proof construction
Danger Notice		<b>"DANGER – NO SMOKING"</b> notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth

**H. APPLICATION FOR A FLAMMABLE SUBSTANCE CERTIFICATE**

For official use only  Application No. _____  Collab No. _____  Permit No. _____	<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire Services			
<b><u>APPLICATION FOR PERMISSION TO STORE FLAMMABLE SUBSTANCE</u></b> Application for permission to store a flammable substance is made in terms of Garden Route District Municipality By-Law Relating to Veld, Mountain, and Chemical Fire Safety Management, Chapter 07 Section 52, Flammable Substances.				
<i>THIS FORM TO BE COMPLETED AND SUBMITTED TO THE GARDEN ROUTE DISTRICT MUNICIPALITY FIRE SERVICES,</i>				
Name Of Applicant:	Telephone No. Cell No. E-Mail:			
Name of Business:	Telephone No.			
Location of premises for which permission is required:				
Permission is required for the storage of (please tick)				
Perm or Temp above ground storage tank for a flammable liquid	Underground storage tank for a flammable liquid	Bulk storage depot for flammable substance	Small installations for liquid petroleum gas	Bulk storage vessel for liquid petroleum gas
State type flammable liquid and maximum quantity in liters:		State maximum quantity of LP Gas in kg:		
Purpose for which flammable substance is to be kept:				
Applicant Signature:	Applicant Capacity:	Date:		
<b><i>An application/inspection fee of .... excl vat per 15 minutes is payable to GARDEN ROUTE DISTRICT MUNICIPALITY in respect of this application and the subsequent inspection.</i></b>				
For Controlling Authority				
Approving Officer: (print name)	Signature:	Date:		
Premises compliant to store flammable substance		Yes	No	
Comments				

**EXTRACTS FROM THE GARDEN ROUTE DISTRICT MUNICIPALITY BY-LAW RELATING TO VELD, MOUNTAIN AND CHEMICAL SAFETY FIRE MANAGEMENT AS APPLICABLE TO THE APPLICATION FOR A FLAMMABLE SUBSTANCE CERTIFICATE:**

- i. 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.
- ii. Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), S.A.B.S. 0131: Parts 1 and 2, S.A.B.S. 089: Part 3 and S.A.B.S. 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the controlling authority.
- iii. Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- iv. The controlling authority must be notified at least 48 hours prior to the pressure test.
- v. 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 pipework, 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.
- vi. The owner or person in charge of the premises may not store or use: —
  1. a flammable gas more than 19 kilogram, or
  2. a flammable liquid of a danger group (I), (ii), (iii) or (iv) more than 200 liters, unless he has obtained a flammable substance certificate from the controlling authority.
- vii. The owner or person in charge of the premises, who requires a flammable substance certificate must apply to the controlling authority.
- viii. 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 (5) above applies.
- ix. If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of this By-Law.
- x. Notwithstanding subsection (9) above, when in the opinion of the controlling authority, a flammable substance is stored or utilized for any process in a manner, which is hazardous to life or property, or an installation is unauthorized, an order may be issued for the removal of the flammable substance or installation from the premises.
- xi. 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.
- xii. 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.
- xiii. The flammable substance certificate must be available on the premises for inspection at all times.

**I. FLAMMABLE SUBSTANCE CERTIFICATE**

For official use only  Application No. _____  Collab No. _____  Permit No. _____	<b>GARDEN ROUTE DISTRICT MUNICIPALITY</b> Fire and Rescue Service
<b>LICENCE TO STORE FLAMMABLE SUBSTANCE</b>	
<b>PERMISSION IS HEREBY GRANTED TO</b>	
<b>OF</b>	
<b>TO STORE THE FOLLOWING</b>	
<b>MAXIMUM QUANTITY</b>	
<b>AT</b>	
<b>FROM THIS DATE</b>	UNTIL THE END OF ONE CALENDAR YEAR
<p style="text-align: center;"><b>Subject to the flammable substance being stored to the satisfaction of the authorized officer in compliance with the regulations for the controlling and regulating the keeping, conveyance, storage, and use of a flammable substance.</b></p>	
<p style="text-align: center;"><b>This license is not transferrable to any other premises, nor can it be extended to include any additional facilities.</b></p>	
<b>THIS LICENCE MUST BE RENEWED ON OR BEFORE THE START OF THE NEW CALENDAR YEAR</b>	
For controlling authority	
Flammable Substance Certificate fee	R..... per annum
Receipt No.	
..... <b>CHIEF FIRE OFFICER</b>	..... <b>DATE</b>

## APPLICABLE LEGISLATION

With reference to Schedule 2.

Item	Number
2.1 The Municipal Structures Act,	117 of 1998.
2.2 The Fire Brigade Service Act,	99 of 1987.
2.3 The National Veld and Forest Fire Act,	101 of 1998.
2.4 The Occupational Health and Safety Act;	85 of 1993.
2.5 The National Building Regulations, and Building Standards Act	103 of 1997
2.6 The Hazardous Substances Act,	15 of 1973
2.7 The Explosives Act,	15 of 2003
2.8 South African National Standards	10087, 10089

### 2.9 The National Environmental Act, Act No. 107 of 1998

#### Section 30: **Control of Incidents**

**'Incident'** means an unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property"

**"Hazardous substance"** – a solid, liquid, vapour, gas or aerosol, or combination thereof, which is a source of danger to persons and to the environment, by reason of its toxic, corrosive, irritant, strongly sensitizing or flammable nature, or because it generates pressure through decomposition, heat or other means"

#### **30. Control of emergency incidents**

(1) In this section -

(a) "incident" means an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed.

(b) "responsible person" includes any person who -

(i) is responsible for the incident.

(ii) owns any hazardous substance involved in the incident; or

(iii) was in control of any hazardous substance involved in the incident at the time of the incident.

(c) "relevant authority" means -

(i) a municipality with jurisdiction over the area in which an incident occurs.

**(8)** Should -

(a) the responsible person fails to comply, or inadequately comply with a directive under subsection (6).

(b) there be uncertainty as to who the responsible person is; or

(c) there be an immediate risk of serious danger to the public or potentially serious detriment to the environment,

a relevant authority may take the measures it considers necessary to -

(i) contain and minimise the effects of the incident.

(ii) undertake cleanup procedures; and

(iii) remedy the effects of the incident.

(9) A relevant authority may claim reimbursement of all reasonable costs incurred by it in terms of subsection (8) from every responsible person jointly and severally.

#### **The National Environmental Management Laws Amendment Act 2 of 2022**

- The amendments in terms of section 28 of NEMA as well as 28(9) of NEMA

**National Environmental Management: Biodiversity Act, 2004,**

- to **empower a municipal manager to issue section 28(4) directives**
- to provide clarity that a section 28(4) directive may also be issued to an owner of the land, a person in control of the land or a person that has a right to use the land in question.

**CHAPTER 5**

**SPECIES AND ORGANISMS POSING POTENTIAL THREATS TO BIODIVERSITY**

64. (1) *The purpose of this Chapter is-*

- (a) *to prevent the unauthorized introduction and spread of alien species and invasive species to ecosystems and habitats where they do not naturally occur.*
- (b) *to manage and control alien species and invasive species to prevent or minimize harm to the environment and to biodiversity in particular.*
- (c) *to eradicate alien species and invasive species from ecosystems and habitats where they may harm such ecosystems or habitats; etc.*

**Duty of care relating to alien species (and Restricted activities involving alien species)**

69. (1) *A person authorised by permit, in terms of section 65(1), to carry out a restricted activity involving a specimen of an alien species must-*

- (a) *comply with the conditions under which the permit has been issued; and*
  - (b) *take all required steps to prevent or minimise harm to biodiversity.*
- (2) *A competent authority may, in writing, direct any person who has failed to comply with subsection (1), or who has contravened section 65(1) or 67(2), to take such steps-*
- (a) *as may be necessary to remedy any harm to biodiversity caused by the actions*
  - (b) *as may be specified in the directive.*
- of that person; and*
- (3) *If that person fails to comply with a directive issued in terms of subsection (2), the competent authority may-*
- (a) *implement the directive; and*
- (17) *recover from that person all costs incurred by the competent authority in implementing the directive.*
- (4) *Should an alien species establish itself in nature as an invasive species because of the actions of a specific person, a competent authority may hold that person liable for any costs incurred in the control and eradication of that species*

**VELD BURNING AND THE CONSERVATION OF AGRICULTURAL RESOURCES ACT**

**Regulation 12 in terms of the Conservation of Agricultural Resources Act no. 43 of 1983 (CARA)** as published in regulation notice R1048 in Government Gazette 9238 of 25 May 1984 has the following provision which affects the burning of veld:

**Prevention and control of veld fires**

12. (1) Except on authority of a written permission by the executive officer, no land user shall-

- (a) burn any veld on his farm unit; and
- (b) utilise as grazing any veld on his farm unit that has burned.

(2) The provisions of regulation 2(2) and (3) shall apply mutatis mutandis with regard to an application for a permission referred to in sub regulation (1): Provided that-

- (a) such application shall be submitted at least 30 days prior to the intended date of burning or grazing, as the case may be and
- (b) a permission referred to in sub regulation (1) (a)
  - (i) shall not be issued unless the executive officer is satisfied that the burning of veld is an accepted veld management practice in the area within which the farm unit concerned is situated, or that exceptional circumstances prevail on the farm unit concerned.
  - (ii) shall be issued only if the veld concerned is to be burned during periods of which



## Garden Route District Municipality

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particulars are available at the extension office concerned; and  
(iii) shall be issued to the provisions of the shall be issued to the provisions of the **National Veld and Forest Fire Act, 101 of 1998**.

The burning of veld is regulated under the Conservation of Agricultural Resources Act, 43 of 1983 (CARA) and also the National Veld and Forest Fire Act, 101 of 1998 (NVFFA)  
Whereas CARA is concerned about the ecological aspects of veld burning as a veld management tool the NVFFA is primarily concerned about fire safety.

A written permission to burn veld issued in terms of CARA is by law subject to permission to burn under the NVFFA. (see Regulation 12(2)(b)(iii))

### RELEVANT SANS CODES OF PRACTICE AND SPECIFICATIONS

#### SANS CODE & TITLE

**SANS 10019** Portable metal containers for compressed gas basic design, manufacture, use and maintenance.

**SANS 10087:** Part 1 The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litre and a combined water capacity not exceeding 3 000 litre per installation.

**SANS 10087:** Part 3 The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5 000 litres.

**SANS 10087:** Part 4 The handling, storage, and distribution of liquefied petroleum gas in domestic. Commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.

**SANS 10087:** Part 7 The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9kg.

**SANS 10089:** Part 1 The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.

**SANS 10089:** Part 2 The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector

**SANS 10105:** Part 1 The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.

**SANS 10108** The classification of hazardous locations and the selection of apparatus for use in such locations

**SANS 0131:** Part 2 The handling and storage of liquid fuel, Part 2: Large consumer premises.

**SANS 10142** The wiring of premises.

**SANS 10177:** Part 5 The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.

**SANS 193** Fire dampers.

**SANS 10228** The identification and classification of dangerous substances and goods.

#### SANS CODE & TITLE

**SANS 10230** Transportation of dangerous goods - Inspection requirements for road vehicles.

**SANS 10232:** Part 1 Transportation of dangerous goods ~ Emergency information systems, Part 1: Emergency information systems for road transportation.

**SANS 10400** The application of the National Building Regulations.

**SANS 1186:** Part 1 Symbolic safety signs, Part 1: Standard signs and general requirements.

**SANS 1253** Fire doors and fire shutters.

**SANS 1398** Road tank vehicles for flammable liquids.

**SANS 1475:** Part 1 The production of reconditioned firefighting equipment, Part 1: Portable rechargeable Fire extinguishers.

**SANS 1518** Transportation of dangerous goods -Design requirements for road tankers.

**SANS 1571** Transportable rechargeable fire extinguishers.

**SANS 1573** Portable rechargeable fire extinguishers — Foam type extinguishers.

**EXTRACTS FROM THE GARDEN ROUTE DISTRICT MUNICIPALITY BY-LAW RELATING TO CHEMICAL SUBSTANCES AS APPLICABLE TO THE APPLICATION FOR A FLAMMABLE SUBSTANCE CERTIFICATE:**

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.
2. Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), S.A.B.S. 0131: Parts 1 and 2, S.A.B.S. 089: Part 3 and S.A.B.S. 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the controlling authority.
3. Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
4. The controlling authority must be notified at least 48 hours prior to the pressure test.
5. Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
6. The owner or person in charge of the premises may not store or use: —
  - (i) a flammable gas in excess of 19 kilogram, or
  - (ii) a flammable liquid of a danger group (I), (ii), (iii) or (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority
7. The owner or person in charge of the premises, who requires a flammable substance certificate must submit an application to the controlling authority.
8. 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 (5) above applies.
9. If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of Garden Route District Municipality By-law Relating to Chemical Substance Fire Safety
10. Notwithstanding subsection (9) above, 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.
11. 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.
12. 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.
13. The flammable substance certificate must be available on the premises for inspection at all times.