

C 17/10/01
EXCO 41/10/01

APPROVAL OF THE SAFETY PORTFOLIO COMMITTEE'S RECOMMENDATION REGARDING THE ADDITIONAL PROPOSALS RECEIVED FROM EXCO AND REVISIONS DEEMED NECESSARY BY THE FIRE SERVICE FOR THE PROMULGATION OF THE CITY OF CAPE TOWN COMMUNITY FIRE SAFETY BY-LAW

RESOLVED that:

- (a) the recommendations regarding the draft By-law made by the Safety Portfolio Committee at a meeting held on the 2001/10/04, and which are spelt out in paragraph 4 of Section 8 of the report, be approved by Council
- (b) the final draft, inclusive of the recommendations in (c) above, be promulgated; such promulgation to become effective 1 March 2002
- (c) notwithstanding resolutions (a) and (b) above, the implementation of the section of the By-law dealing with Indemnity, as set out in Chapter 2: paragraph 10 of the Draft By-law (attached as Annexure A to the report in the agenda), be suspended pending further legal opinion.

Extract from report is attached [\[go to next page/s\]](#).

Previous policy decision: -

File Ref. No. (HO 1/1/3/2/15)

FOR DECISION BY COUNCIL

COUNCIL

31 OCTOBER 2001

4. DELEGATION

For decision by the Executive Committee in terms of Section 1.2 of the Interim Delegations: City of Cape Town.

5. ANNEXURES/ADDENDA

Annexure A: Community Fire Safety By-law (inclusive of all amendments)

6. POLICY

This process has been carried out in line with the policy approved by EXCO (Item 26/03/01) for the promulgation of by-laws.

7. LEGAL REQUIREMENTS

In terms of Section 30(5)(a) of the Systems Act, the Executive Committee is required to prepare a report and make recommendations on the matter to Council

8. BACKGROUND/INTRODUCTION

Approval was obtained from the Safety Portfolio Committee at a special meeting held on the 22 August 2001 (Item SAF 04\08\01) to submit the proposed by-law subject to certain amendments, via the Executive Councilor: Health and Safety, to the Executive Committee for their consideration and approval. This matter was tabled at the Executive Committee meeting held on the 18th September 2001 (Item no. 28/09/01). At this meeting Councilor Neilson introduced a number of proposed amendments to the draft by-law. In light of this the Executive Committee decided to refer this matter back to the Fire Service to make recommendations on the proposals.

In addition a number of late developments in respect of other pending legislation prompted the Fire Service, after consulting with the relevant officials, to amend Section 36 of the By-law. The proposed publishing of an open air fire prohibition notice applicable to parts of the City by the Department of Water Affairs and Forestry and a draft Air Pollution By-law impacted on the Community Fire safety By-law and necessitated the changes.

At the Executive Committee meeting on the 2nd October 2001 (Item 10/10/01) it was resolved that the recommendations on both of the issues mentioned above be first approved by the Safety Portfolio Committee before being tabled once more before the Executive Committee.

At the Safety portfolio Committee meeting held on the 4th October 2001 (Item 7/10/01) it was resolved that: -

1) The recommendations made by the Fire Service in respect of both: -

FOR DECISION BY COUNCIL

COUNCIL

31 OCTOBER 2001

- 1.1) the proposed amendments to the Community Fire Safety By-law raised by Councilors Neilson and Kinahan, and
- 1.2) the proposed revisions deemed necessary by the Fire Service in respect of Section 36

be adopted save for the proposed changes to Section 10 of the by-law which deals with the indemnification of Council. It was decided that the words "***unless such damage or loss is caused as a result of gross negligence directly attributable to an employee or agent of Council.***" [highlighted below for clarity] was not necessary and that it should be removed from the provision.

Indemnity

*The Municipality, controlling authority or a member of service is not liable for damage or loss, as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise of performance of a power, or function or duty conferred or imposed in terms of this By-law, ***unless such damage or loss is caused as a result of gross negligence directly attributable to an employee or agent of Council.****

- 2) The by-law (Annexure A) together with the approved recommendations should be resubmitted to the Executive Committee via the Executive Councilor: Health and Safety

9. DISCUSSION/MOTIVATION

The development of this by-law has been a time consuming effort, but one that is long overdue. The development process has included input from technical, legal experts, political role-players and the community. The City cannot continue to enforce disjointed and outdated legislation. The promulgation of this by-law will promote a fire safe environment for the benefit of all persons within the jurisdiction of the City.

The by-law makes provision for procedures, methods and practices to regulate fire safety and will apply to both formal and informal sectors of the community and economy, therefor satisfying the Constitutional provision of accessibility to a safe environment.

Finally, the approval of this by-law by Council will demonstrate the City of Cape Town's commitment to ensuring the Safe City vision.

BY-LAW RELATING TO COMMUNITY FIRE SAFETY**INDEX**

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Preamble

The Municipal Council of The City of Cape Town recognises: -

- **that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;**
- **that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;**
- **that the protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;**
- **that 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;**
- **that the community has a vital role to play in achieving the objectives of this By-law, and**
- **that the benefits of a fire-safe environment should be accessible to all.**

Purpose and scope of this By-law

The purpose and scope of the By-law is: -

- **to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;**
- **to repeal all existing relevant by-laws of the Municipality;**
- **to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.**

Application of this By-law

This By-law is applicable to all persons within the area of jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.

CHAPTER 1

DEFINITIONS

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

“above ground storage tank” means a tank situated above ground for the storage of a flammable liquid;

“automatic releasing hold-open device” means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“boundary” means any lateral or street boundary of a site;

“building” means:-

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:-
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;

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

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

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

“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;

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

“controlling authority” means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 2 and 3 of this By-law;

“dangerous goods” means a flammable gas, liquid or solid as contemplated in SABS 0228;

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

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

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

“emergency vehicle” means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

“entertainment and public assembly occupancy” means a place where people gather to eat, drink, dance or participate in other recreation;

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

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

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

“Fire Brigade Services Act” means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

“fire damper” means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

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

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

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

“fire lanes” means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

“fire protection system” means any device or system designed and installed to –

- (a) detect, control or extinguish a fire, or
- (b) alert occupants or the fire service, or both, to a fire,

but excludes portable and mobile fire extinguishers;

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

“flammable gas” as contemplated in SABS 0228, means a gas that at 20 °C and at a standard pressure of 101, 3 kilopascals:–

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

“flammable liquid” means a liquid, or mixtures of liquids, or a liquid containing solids in

solution or in suspension that give off a flammable vapour at or below 60,5 °C and also includes a liquid within the following danger groups as determined in SABS 0228:–

DANGER GROUP BASED ON FLAMMABILITY.

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point(°C)
i	-	≤35 (°C)
Ii	<23 (°C)	>35 (°C)
Iii	≥23≤60,5 (°C)	>35 (°C)
Iv	>60,5 – 100 (°C)	>35 (°C)

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

“flammable substance” means a flammable liquid or a flammable gas;

“flammable store” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-law;

“Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act 15 of 1973);

“Municipality” means The City of Cape Town,

“Municipal Manager” means a person appointed in terms of section 82 of the Municipal Structures Act;

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

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

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

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

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

“non-combustible” means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

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

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

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

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

“owner” means:–

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

“person in charge” means:–

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

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

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

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

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

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

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

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

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

“service” means a fire brigade service as defined in the Fire Brigade Services Act;

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

“**Standards Act**” means the Standards Act, 1993 (Act 29 of 1993);

“**State**” means: -

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

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

“**summary abatement**” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

“**tank**” for purposes of chapter 9 of this By-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

“**this By-law**” includes the Schedules published in terms of this By-law;

“**underground tank**” means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

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

- (a) **“road tank vehicle”** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) **“tank-semi-trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- (c) **“tank trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) **“tank truck”** means a single, self-propelled vehicle with a tank mounted on it;
- (e) **“truck-tractor”** means a self-propelled vehicle used to pull a tank-semi-trailer, and
- (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-law.

CHAPTER 2

ADMINISTRATIVE PROVISIONS

Administration and enforcement

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

Delegation

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

Enforcement provisions

- 4.(1) A controlling authority may, whenever 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.

Authority to investigate

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

Failure to comply with provisions

- 6.(1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 4(2), a written notice must be issued and include the following:–

- (a) confirmation of the findings;
- (b) provisions of this By-law that are being contravened;
- (c) the remedial action required, and
- (d) set forth a time for compliance.

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

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

Denial, suspension or revocation of an approval or a certificate

7. A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-law 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.

Records required

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

Charges

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

Indemnity

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

Reporting a fire hazard and other threatening danger

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

CHAPTER 3**FIRE PROTECTION OF BUILDINGS****General**

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

Access for emergency vehicles

- 13.(1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following:-

- (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
- (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.

- (c) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
 - (d) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
 - (e) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

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

Fire doors and assemblies

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

(2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.

(3) A fire door and assembly may not be rendered less effective through the following actions:-

- (a) altering the integrity, insulation or stability of a particular class of door;
- (b) disconnecting the self-closing mechanism;
- (c) wedging, blocking or obstructing the door so that it cannot close;
- (d) painting the fusible link actuating mechanism of a door;
- (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
- (f) any other action that renders a fire door or assembly less effective.

Escape Routes

16. (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.

(2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.

(3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

Tents

17.(1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must:-

- (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent, and
- (b) submit an application in terms of the section 22 of this By-law to the controlling authority for a temporary population certificate.

(2) The application submitted in terms of subsection (1)(a) must comply with the following: -

- (a) The tent must be erected at least 4,5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
- (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
- (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:-
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
- (d) The population density of a tent must comply with the National Building Regulations (A21).

- (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - (g) No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
 - (h) Smoking is prohibited in a tent and a “**No Smoking**” sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - (i) Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (4) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4

FIRE SAFETY EQUIPMENT

Fire extinguishers

- 18.(1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the

Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1.

(3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.

(4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).

(5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.

(6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

(8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

Testing and maintenance of fire protection systems

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

Interference with and access to fire protection systems and fire extinguishers

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

Fire alarms and fire hydrants

21. (1) Without compensation to the owner of the premises concerned, the controlling authority may cause: -
- (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker.

(5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5

PUBLIC SAFETY

Prevention and control of overcrowding

22. (1) Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of this By-law.

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

(3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).

(4) A temporary population certificate is valid for a period not exceeding 30 calendar days.

(5) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

(6) If at any time the controlling authority becomes aware that the usage of the premises is

not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.

(7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).

(8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.

(9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.

(10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

Attendance of a service

23.(1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

(2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-law.

Formulation of an emergency evacuation plan

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

(7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Displaying of escape route plans

25.(1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

(2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

Barricading of vacant buildings

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

CHAPTER 6

HOUSEKEEPING

Combustible waste and refuse

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

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

Dust

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

Combustible or flammable substances and sweeping compounds

29.(1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

Accumulations in chimneys, flues and ducts

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

Sources of ignition

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

Smoking

32. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and “**No Smoking**” signs must be displayed as directed by the controlling authority

and the signs must comply with SABS 1186: Part 1.

- (2) A person may not remove a “**No Smoking**” sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

Electrical fittings, equipment and appliances

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

Flame-emitting device

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

CHAPTER 7

FIRE HAZARDS

Combustible material

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

Lighting of fires and burning of combustible material

- 36.(1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of 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) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the controlling authority which approval shall be applied for in

writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3.

CHAPTER 8

FLAMMABLE SUBSTANCES

Application of this Chapter

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

Storage and use of a flammable substance

38.(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.

Flammable substance certificate

39.(1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38(6), must submit an application to the controlling authority as prescribed in the Schedule 2 of this By-law.

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

(3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the

premises safe prior to usage of the premises in accordance with section 38(6) and the issuing of the certificate.

(4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 38(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 sections 4(2) or 6(1) and section 7 of this By-law.

(6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, 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.

Permanent or temporary above ground storage tank for a flammable liquid

40.(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 9000 litres and is not used for the storage of flammable substances with a flash point below 40° C;
- (b) to be on the premises for a period not exceeding six months;
- (c) the entire installation must comply with SABS 0131: Part 1 or S.A.B.S. 0131: Part 2 whichever is applicable, and
- (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.

(3) Notwithstanding section 38(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).

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

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

- (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (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 SABS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

Underground storage tank for a flammable liquid

41. 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 S.A.B.S. 0400, S.A.B.S. 089: Part 3 and S.A.B.S. 0131: Part 3

Bulk storage depot for flammable substances

42. The handling, storage and distribution of flammable substances at bulk depots must be

in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.

Small installations for liquefied petroleum gas

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

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

44. A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with S.A.B.S. 087: Part 2.

The fuelling of forklift trucks and other LP gas operated vehicles

45. The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with S.A.B.S. 087: Part 8

The storage and filling of refillable liquid petroleum gas containers

46. Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with S.A.B.S. 087: Part 7.

Bulk storage vessel for liquid petroleum gas

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

Termination of the storage and use of flammable substances

48.(1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:-

- (a) within seven days of the cessation, notify the controlling authority in writing thereof;
- (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
- (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
- (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.

(2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

Reporting accidents

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

Flammable stores

50.(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

(3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:-

(a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;

(b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;

(c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and

(d) the wire gauze must be held in position by metal straps, a metal frame or cement.

(5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:-

(a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour

- and must operate continuously;
- (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel 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 - Isitiro 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 or cause or permit it to be entered without the permission of the owner or person in charge of the premises.

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

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

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

- (a) within seven days of the cessation, notify the controlling authority in writing thereof;
- (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
- (c) within 30 days of the cessation, remove all signage.

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

Container handling and storage

- 51.(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 m² 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 SABS 1186: Part 1, and
 - (g) fire-fighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

Spray rooms and booths

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

Liquid petroleum gas containers

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

CHAPTER 9**TRANSPORTATION OF DANGEROUS GOODS****Dangerous goods certificate**

54.(1) The operator of a vehicle designed for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.

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

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

(4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, 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 4(2) or 6(1) and section 7 of this By-law.

(7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.

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

(9) A dangerous goods certificate is valid only:-

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

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

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

CHAPTER 10

GENERAL PROVISIONS

State Bound

55. This By-law binds the State and any person in the service of the State.

Offences and penalties

56.(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 period specified by the controlling authority.

Repeal of laws and savings

57.(1) The By-laws specified in Schedule 1 are hereby repealed to the extent indicated in the third column of Schedule 1.

(2) In the event of any conflict between the provisions of this By-law and the provisions in any other legislation, the provisions of this By-law prevail.

(3) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a By-law repealed in subsection (1), within six months prior to the commencement of this By-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this By-law.

Short title and commencement

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

SCHEDULE 1**Repeal of laws and savings****I. With regard to the Cape Town Municipality:-**

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 217/ 1937	Cape Town Municipality: Amended Regulations for regulating controlling and licensing the storage, keeping or having of explosives and inflammable substances	The whole
PN 372/1949	Pinelands Municipality: Regulations to provide for the prevention and extinguishing of fires	The whole
PN 74/1953	Cape Town Municipality: Amendment to the regulations relating to explosives and inflammable substances	The whole
PN 773/1954	Cape Town Municipality: Amendments to the regulations for regulating, controlling and licensing the storage, keeping or having of explosives and inflammable substances	The whole
PN 467/1963	Pinelands Municipality: Amendment to the regulations to provide for the prevention and extinguishing of fires	The whole
PN 382/1971	Cape Town Municipality: regulations relating to places of public entertainment and recreation (repealed in terms of the Business Act 71/1991)	The whole
PN 771/1971	Cape Town Municipality: Fire Regulations	The whole

With regard to the Cape Town Municipality (Cont):-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 233/ 1985	Cape Town Municipality: Amendment to the fire by-law	The whole

II. With regard to the Blaauwberg Municipality:-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 1193/1974	Milnerton Municipality: Regulations for controlling and licensing of premises for the storage, keeping and having of liquefied petroleum gas	The whole
PN 1194/1974	Milnerton Municipality: Regulations for controlling and licensing the storage, keeping and having of inflammable substances	The whole
PN 417/1977	Milnerton Municipality: By-law relating to the growth of bushes and the accumulation and dumping of rubbish and waste material on premises	Section 2 in relation to the propagation of fires
PN 259/ 1981	Milnerton Municipality: Fire By-law	The whole
PN 686/1987	Milnerton Municipality: By-law to control the servicing, recharging and testing of portable and mobile fire extinguishing appliances	The whole

III. With regard to the Helderberg Municipality:-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 477/1973	Somerset West Municipality: Regulations relating to the removal of vegetation from land	Section 3 in relation to the propagation of fires
PN 871/1973	Regulations relating to Public Garages	The whole
PN 965/1975	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and having of liquefied petroleum gas	The whole
PN 594/1976	Somerset West Municipality: By-law relating to Petrol Pumps and tanks	The whole
PN 662/1982	Somerset West Municipality: Standard By-Law relating to Fire Brigade Services: Correction Notice	The whole
PN 396/1982	Standard By-law relating to Fire Brigade services	The whole
PN 42/1984	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and possession of flammable substances	The whole
PN 406/1985	Somerset West Municipality: Amendment to the Standard By-law relating to Fire Brigade Services	The whole
PN 527/1985	Somerset West Municipality: Amendment to the Standard By-law relating to the Fire Brigade Services: Correction Notice	The whole

IV. With regard to the Oostenberg Municipality:-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 767/1982	Kuilsriver Municipality: Standard By-law relating to Fire Brigade Services	The whole
PN 396/1982	Standard By-law relating to Fire Brigade Services	The whole
PN 10/ 1999	Oostenberg Municipality: By-law for preventing conditions likely to further the spread of fires	Section 2(a) and 2(b)
PN 227/2000	Oostenberg Municipality: Amendment to the By-law for preventing conditions likely to further the spread of fires	The whole

V. With regard to the South Peninsula Municipality:-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 246/ 1948	Fish Hoek Municipality: Regulations for the Controlling, Licensing, Storage and Keeping of Petroleum, Petrol and Inflammable Liquids or Substances	The whole
PN 298/ 1961	Simonstown Municipality : Regulations for regulating, controlling and licensing the storage, keeping or having of inflammable substances	The whole
PN 1074/ 1970	Divisional Council of the Cape: Regulations relating to caravan parks	Section 10 and 11

With regard to the South Peninsula Municipality (Cont.):-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 545/1972	Divisional Council of the Cape: Regulations relating to public places of recreation and to provide for better securing the safety of the public at cinematograph exhibitions	Section 16, 17, 19(a)(ii) and 19(b)(iii, iv)
PN 947/1972	Simonstown Municipality: Amendment to the Fire Brigade regulations	The whole
PN 501/1977	Divisional Council of the Cape: By-law for preventing conditions likely to further the spread of fires	The whole
PN 729/1981	Divisional Council of the Cape: By-law relating to inflammable substances	The whole
PN 730/1981	Divisional Council of the Cape: By-law relating to the storage and keeping of liquefied petroleum gas	The whole
PN 731/1981	Divisional Council of the Cape: Fire By-law for the local areas	The whole
PN 73/ 1983	Fish Hoek and Simonstown Municipality: By-law relating to parks for caravans and mobile homes	Sections 11, 12, 13 and 14
PN 396/1986	Standard By-law relating to fire brigade services	The whole
PN 589/1986	Simonstown Municipality: Standard By-law relating to fire brigade services	The whole

With regard to the South Peninsula Municipality (Cont):-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 247/ 1995	Fish Hoek/Noordhoek Transitional Metropolitan Substructure: Amendments of regulations for the controlling, licensing, storage and keeping of petroleum, petrol and inflammable liquids or other substances	The whole

VI. With regard to the Tygerberg Municipality:-

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 361/1980	Goodwood Municipality: By-law relating to liquefied petroleum gas	The whole
PN 757/1982	Bellville Municipality: Standard By-law relating to Fire Brigade Services	The whole
PN 396/1982	Standard By-law relating to Fire Brigade Services	The whole
PN 142/1984	Goodwood Municipality: By-law relating to inflammable substances	The whole
MN 116/1993	Goodwood Municipality: By-law for the control of the handling of fire extinguishing appliances	The whole

SCHEDULE 2

Forms

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. Population Certificate Application

For official use only						<h1>CITY OF CAPE TOWN</h1>					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____											
File No. _____											
Population Certificate Application											
Application for a Population Certificate is made in terms of Section 22 (1) of the Community Fire Safety By-law.											
Name of applicant:						Telephone No.					
						Cell No.					
Name of business:						Telephone No.					
						Cell No.					
Type of business, e.g. bar, nightclub etc:											
Erf No:											
On what floor of the building is the venue situated i.e. ground, 1 st etc?											
Street address:											
Suburb:						Code					
Details of Premises											
How many floors does the building have?						How many floors are occupied by the venue for which this application is being made?					
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Expected Population					
						Number of exits per floor Indicate exits per floor separately in the blocks below					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations. 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.											
Signature of applicant											
Print Name											
Date											
Address											
For Controlling Authority: (Signature)											
Print Name											
Date											
A certificate fee of R_____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.											

B. Population Certificate

For Official use only						CITY OF CAPE TOWN									
Permanent / Temporary (Delete which is not applicable)															
Application No. _____ File No. _____															
Population Certificate This population certificate is issued in terms of Section 22 of the Community Fire Safety By-law.															
Name of certificated owner:						Telephone No.									
						Cell No.									
Name of certificated business:						Telephone No.									
						Cell No.									
Occupancy:															
Erf No:															
The venue is situated on the _____						floor of the premises (ground, 1 st , 2 nd ect)									
Street address:															
Suburb:						Code									
Details of Premises															
Number of floors in the building								Number of floors occupied by the venue							
Square metres of usable area per floor of the venue						Approved Population		Number of exits per floor							
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()		
						Maximum population per floor									
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
1) The certificate is issued in terms of Section 22 of the Community Fire Safety By-law and is valid only for the premises for which it was issued.															
2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate.															
3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.															
For controlling authority (signature)															
Print name															
Date															

E. Dangerous Goods Certificate Application

For official use only Application No. _____ File No. _____	CITY OF CAPE TOWN		
Dangerous Goods Certificate Application in respect of flammable materials. Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For controlling authority: (signature)			
<u>For official use only</u>			
A certificate fee is payable to THE CITY OF CAPE TOWN in respect of this application and the Subsequent inspection.			
Signature of receiving official _____		Date: _____	
Name of receiving official: _____		Designation : _____	

F. Dangerous Goods Certificate

For official use only	CITY OF CAPE TOWN		
Application No. _____ File No. _____			
Dangerous Goods Certificate in respect of flammable materials. Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.AB.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.			
This certificate is issued by THE CITY OF CAPE TOWN and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
Controlling Authority (Signature) _____ Date of issue _____			
Name of issuing official (Print name) _____ Designation. _____			

SCHEDULE 3**Applicable legislation**

With reference to section 36(4): -

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4**SABS Codes of Practice and Specifications**

SABS Code	Title
SABS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.

SABS Code	Title
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.

SABS Code	Title
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.

SABS Code	Title
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.