

## **LOCAL AUTHORITY NOTICE 2478**

### **WEST RAND DISTRICT MUNICIPALITY: BY-LAWS RELATING TO FIRE BRIGADE SERVICES AND THE USE AND HANDLING OF FLAMMABLE LIQUIDS AND SUBSTANCES**

#### **AS AMENDED BY LOCAL AUTHORITY NOTICE 2479 OF 14 NOVEMBER 2008**

The Municipal Manager hereby publishes in terms of the provisions of section 13 of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000) the by-laws passed by the West Rand District Municipality in terms of section 12 of the aforesaid Act.

### **CHAPTER 1**

#### **FIRE BRIGADE SERVICES**

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## DEFINITIONS

1. In this Chapter, unless the context otherwise indicates -
  - "act"** means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987);
  - "approved"** means approved by the Chief Fire Officer or his authorised official;
  - "area"** means in relation to a fire service of a Municipality, the area of jurisdiction of that Municipality
  - "area of jurisdiction"** means the district municipal area of the Council as indicated by map No. 7 in Provincial General Notice No. 6574 dated 22 September 2000 read with Gauteng Notice No. 6769 of 2000 and North West Notice No. 329 of 2000, as amended.

**"authorised official"** means a person who is in possession of the prescribed qualifications and experience, is appointed in terms of section 6 of the Act, who is in charge of a division or function in the area of the services and represents the Chief Fire Officer in the execution of the Act and these by-laws;

**"Chief Fire Officer"** means the person appointed or deemed to be appointed by the council in terms of section 5 of the Act, and includes any member of the service appointed in terms of section 6 of the Act, who represents the Chief Fire Officer in the execution of the provisions of the Act and these by-laws;

**"council"** means the West Rand District Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, read with Notice No. 141 published in the Provincial Gazette Extraordinary dated 1 October 2000, as amended;

**"dealer"** means the holder of a licence issued in terms of the Explosives Act, 1956 (Act No 26 of 1956), authorising him to possess, store and sell fireworks;

**"emergency"** means a situation or event which constitutes or may constitute a serious danger to any person or property;

**"emergency services official"** means any member of the service employed in terms of section 6 of the Act, representing the Chief Fire Officer in the execution of the Act and these by-laws;

**"fire extinguishing appliance"** means any fire extinguisher, fire fighting equipment, fire hose reel, fire hydrant or fire extinguishing installation;

**"fire brigade"** means the Council's fire brigade or any branch, station or sub-station thereof - also refer to "service";

**"fire service"** means a fire brigade service intended to be employed for –

- (a) preventing the outbreak or spread of a fire;
- (b) fighting or extinguishing a fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other danger;
- (e) subject to the provisions of the Health Act, 1977 (Act No. 63 of 1977), the rendering of an ambulance service as an integral part of the fire brigade service;  
or
- (f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e);

**"municipality"** means a municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

**"material"** means water or any other substance consumed by a service in the performance of its functions;

**"occupier"** means any person in actual occupation or control of any land, premises, or building, or any portion thereof, without regard to the title under which he occupies or controls such land, premises, building or portion thereof;

**"owner"** means the person in whose name the property is registered.

**"person"** means also any individual, company or body corporate or partnership or any other association of persons;

**"public place"** means a public place as defined in section 1 of the Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998);

**"registered premises"** means premises in respect of which a certificate of registration has been issued in terms of these by-laws;

**"SABS"** means the South African Bureau of Standards;

**"supplier"** means any holder of a license issued in terms of the Explosives Act, 1956 (Act No 26 of 1956) and authorised thereby to do business in fireworks.

### **Organisation of Service**

- 2.(1) (a) The Council may for any area within its area of jurisdiction provide and maintain a fire service including all personnel, vehicles, machines, equipment, appliances and paraphernalia necessary for the fighting and extinguishing of fires and for the protection and saving of life and property in case of fire. The Council may further render within such area any of the special services mentioned in Schedule 1 hereto against payment of the charges prescribed in the said Schedule.
- (b) The Council may, in areas situated outside those areas for which a fire service has been provided and is maintained in accordance with paragraph (a), render any of the services mentioned in Schedule I hereto against payment of the charges prescribed in the said Schedule.
- (2) Any fire service established in terms of subsection (1)(a) shall be under the command of a Chief Fire Officer appointed by the Council.
- (3) In the absence of the Chief Fire Officer, the Acting Chief Fire Officer shall exercise the powers entrusted to or vested in the Chief Fire Officer.

- (4) The personnel of any fire brigade shall consist of permanent or part-time Council employees or volunteers, or any of all three: Provided that the Chief Fire Officer may, when deemed necessary by him, in case of fire or other emergency situation employ casual assistants and may avail himself of the assistance of persons who may place their services at his disposal, and any such casual worker or person shall for the purpose of such fire or other emergency situation be deemed to be a member of the Council's fire brigade.
- (5) Any member of any fire brigade or fire brigade organisation in the Council's area which does not belong to the Council, who shall refuse or neglect, when called upon to do so by the Chief Fire Officer, to render all assistance in his power to any official of the Council's fire brigade in the execution of his duty in connection with an outbreak of fire or other emergency situation at which that fire brigade or fire brigade organisation is present, shall be guilty of an offence.

### **Fire Brigade of Neighbouring Municipality**

3. When, in terms of an agreement with a neighbouring municipality, the fire brigade of such municipality performs fire-fighting services within any area of the Council's area of jurisdiction such fire brigade shall, if the Council has for that area established its own fire brigade service, be deemed to be an integral part of, and in the absence of anything to the contrary in such agreement, be under the command of the Chief Fire Officer of the Council's fire brigade service for such area.

### **Powers and Duties of Fire Brigade**

- 4.(1) In case of fire or for the purpose of the protecting of life and property from other threatening danger within any area for which a fire brigade service has been established or in respect of which a neighbouring municipality has in terms of an agreement undertaken to render fire-fighting services -
- (a) the chief fire officer or any other responsible official shall immediately and with the utmost speed, with such members of the Fire Brigade Services and resources as he may think necessary, go to the place where a fire or other situation is reported to him to have, or where he has reason to believe that it has, broken out or arisen;
- (b) the chief fire officer or any other responsible official may take all measures considered necessary or expedient for fighting, extinguishing and preventing the spread of such fire and for the protection or saving of life and property, and for such purposes he and any other member of the fire brigade take possession and, until all the members of the fire brigade are withdrawn, have control of the property on fire and all other property considered by the chief fire officer to be in danger.
- (2) The Chief Fire Officer shall be entitled to assume entire command of, to modify or interfere with or to put a stop to, any operation being conducted in respect of a fire or

other situation by persons not in the employ of the fire brigade, including the owner of the premises and his servants or agents, and any person who interferes with, or commits any act in contravention of, any direction or order given by the Chief Fire Officer or any member of the service in pursuance of this subsection, or who refuses to comply with any reasonable request made by either of them, shall be guilty of an offence.

- (3) The Chief Fire Officer or any member of the fire brigade service may in addition take any measure that may appear to him expedient for the protection of life or property or for the prevention, control or extinction of fire, and in particular he may, if he deems it necessary for the said purposes, take possession of or break into or through any premises, or pull down any building or structure, and he shall have for the said purposes the right of access to and to draw or take water from any hydrant, tank, cistern, pipe or other water supply whether on public or private property: Provided that no unreasonable exercise shall be made of the powers given by this subsection and that they shall be so exercised as to cause as little damage as is possible, regard being had to the purpose to be achieved.
- (4) The Chief Fire Officer or any member of the fire brigade service may out of own motion, close off any street, passage, building, moveable or immovable property or place if he thinks it necessary, and for so long as he thinks necessary, for the effective fighting or preventing of a fire, the investigation of a fire, or dealing with or preventing any emergency situation and may remove, using no more force than is reasonably necessary, any person who refuses to leave any street, passage or place so closed after having been ordered to do so.
- (5) Any person who fails to obey any order given to him in terms of subsection (4) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.
- (6) Vehicles and plant of any fire brigade shall have a preferent right of way over all classes of traffic in any road, street or thoroughfare.

### **Liability for Expenses**

- 5.(1) The Council may recover from the owners or occupiers of any premises which were on fire or were in opinion of the Chief Fire Officer, endangered by such fire -
- (a) the amount charged to the Council by any neighbouring municipality for the attendance and services of the fire brigade of such municipality in connection with such fire;
- (b) the cost to the Council or such neighbouring municipality in respect of water or such other fire extinguishing materials used at such fire.
- (2) The amount payable to the Council by each owner or occupier in terms of subsection (1), shall be determined by the Chief Fire Officer, and his certificate in regard thereto shall be final.

- (3) The Council may recover from the owner of any movable property salvaged at any fire all expenses other than those provided for in subsections (1) and (2) which may have been incurred by the Council or any of its officials or servants in and about the salvaging, removal or storage of such property and shall have a lien on such property in respect thereof until payment is made in full.

### **Storage of Combustible Material**

- 6.(1) No person shall store or cause or permit to be stored any timber, forage, empty packing cases, straw, grass or other combustible material in such quantities or in such place or in such manner as may be likely to cause danger of fire to any building.
- (2) No person having control of any piece of land shall allow grass, weeds, shrubs, or any other vegetation to grow, or rubbish to accumulate on such piece of land in such manner or in such quantities as may be likely to cause danger of fire to any building.
- (3) The Chief Fire Officer may by notice in writing require any such person referred to in subsections (1) and (2) to remove such material or such weeds or rubbish or to take such other reasonable precautions as the Chief Fire Officer may deem necessary, within a period of time to be stated in the notice.
- (4) Any person who fails to comply with any notice contemplated by subsection (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.
- (5) In the event of the person mentioned in the notice as contemplated by subsection (3) failing to comply with such notice and notwithstanding the provisions of subsection (4) the Council may remove or cause to be removed such material, weeds, or rubbish, or take such other reasonable precautions as it may deem necessary and recover all expenses with regard thereto from such person.

### **Making Fires**

- 7.(1) No person shall make, or cause, permit or suffer to be made, a fire in the open air in such a place or in such a manner as to endanger the safety of any building, premises or property.
- (2) No person shall in any event without first obtaining permission in writing, from the Chief Fire Officer or his authorised official, burn or cause, permit or suffer to be burnt, in the open air, whether on private property or not, any rubbish, wood, straw, or other material: Provided that such permission shall not be required for the burning in the open air between the hours of 10:00 and 16:00 of such material as aforesaid in a quantity not exceeding at one time one cubic metre.

- (3) A permission given under subsections (2) shall be made subject to such conditions as the Chief Fire Officer or his authorised official thinks fit to impose.
- (4) Any person who fails to obey any order given to him in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Gas Filled Appliances**

- 8.(1) No person shall fill with hydrogen gas any balloon or other toy.
- (2) Nothing contained in this section shall be construed as preventing the sale or use of balloons filled with hydrogen gas for meteorological or other bona fide scientific or educational purposes.
- (3) For the purpose of this section the word "hydrogen" shall include any other mixture of gasses containing hydrogen, unless such mixture is neither flammable nor explodable in the atmosphere.
- (4) Any person who fails to obey any order given to him in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Fireworks**

- 9.(1) No person shall within the area of the Council discharge, store, sell, display, transport, manufacture or deal in or cause or permit to be discharged, stored, sold, displayed, transported, manufactured or dealt in any fireworks, unless
- (a) the conditions and requirements of the Explosives Act, 1956 (Act 26 of 1956) and regulations promulgated thereunder have been complied with: Provided that -
- (i) the Chief Fire Officer or his authorised official may require that additional safety measures, which he may impose, having regard to the particular case, be complied with; and
- (ii) the Chief Fire Officer or his authorised official may require that additional notices and no smoking signs of approved size and material, be affixed to the satisfaction of the Chief Fire Officer or his authorised official and be maintained in such positions in a legible condition at all reasonable times.
- (2) No person shall -

- (a) store, sell or deal in any fireworks, unless such person is in possession of a license issued in terms of the provisions of the Explosives Act, 1956 (Act 26 of 1956);
  - (b) display or cause or permit to be displayed any fireworks in a display window or at any other place where the public may have free entry to such fireworks;
  - (c) store, display, expose or cause or permit the storage, display or exposition of any flammable liquids, acids, alkalis, matches, combustible material or any hazardous substances, which in the event of fire may impede or hinder the fighting of a fire, closer than 5 metres from any fireworks.
  - (d) make or use any open flame or cause or permit smoking or the use of any open flame at any place where any fireworks are stored, exposed, displayed or handled;
  - (e) sell, supply or cause or permit to be sold or supplied any fireworks to any person other than in the original packaging of such fireworks;
  - (f) sell, supply or cause or permit any fireworks to be sold, supplied to or handled by any person under the age of 16 years;
- (3) No person shall on any licensed premises keep, store or be in possession of any quantities of fireworks in excess of the following:
- (a) dealer in fireworks not in excess of 500 kilograms;
  - (b) supplier of fireworks not in excess of 1000 kilograms:

Provided that such fireworks shall be stored or transported in their original packaging.

- (4) Any person who fails to obey any order given to him in terms of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R20, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Fires in Chimneys, Flued and Ducts**

10. No owner or occupier of a building shall willfully or negligently allow soot or any other combustible substance to accumulate in any chimney flue or duct of such building in such quantities or in such a manner as to create a fire hazard: any such owner or occupier failing to comply with this provision shall be guilty of an offence and liable on conviction to a fine not exceeding R5, 000 or in default of payment to imprisonment for a period not exceeding three months.

### **Submission and Approval of Building Plans**

- 11.(1) Every person intending to erect within the area of the council any new building or structure or to effect any alteration or addition to a building, other than a dwelling house, shall submit to the Council a fire protection plan for approval prior to the submission of building plans in respect of such building or structure to the local authority or any approbation authority within the Council's area.
- (2) Every new building, structure, alteration or addition to a building shall comply with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and any regulations promulgated thereunder, which may be applicable to such building, structure, alteration or addition.
- (3) No construction of any new building, structure or addition to a building or structure other than a dwelling house, shall be commenced with prior to the proof of receipt of such approved building plans by the chief fire officer.
- (4) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R20, 000 or in default of payment to imprisonment for a period not exceeding twenty four months or to both such fine and imprisonment.
- (5) Any person who fails to comply with the provisions of subsection (3) and fails to terminate construction of any new building, structure or addition to a building or structure other than a dwelling house after having received a formal written cessation notice from the chief fire officer, shall, notwithstanding the provisions of subsection (4) above, be guilty of an offence and liable on conviction to a fine not exceeding R1, 000 per m<sup>2</sup> of completed construction or in default of payment to imprisonment for a period not exceeding twenty four months or both such fine and imprisonment.

### **Compliance with Legal Requirements**

12. No person shall use or cause or permit to be used any building, structure or land for any purpose other than that indicated on the approved plans of such building or structure or as reflected in the title deeds applicable to such land which use of the building, structure or land will result in the change of the class of occupation thereof, unless such use of the such building, structure or land complies with all statutory requirements and provisions for such changed class of occupancy failing which such person using or causing to be used such building, structure or land shall be guilty of an offence and liable on conviction to a fine not exceeding R1, 000 per m<sup>2</sup> of the occupied building, structure or land so used or occupied or in default of payment to imprisonment for a period not exceeding twenty four months or both such fine and imprisonment.

### **Approval of Fire Protection Plans**

- 13.(1) Any person intending to erect within the council's area a new building or structure or to effect any alteration or addition to a building or structure, other than a dwelling house or any alterations or additions thereto which do not have a roof made of combustible material, shall submit, together with the fire protection plan referred to in section 11(1) the following plans and particulars to the Chief Fire Officer:
- (a) a site plan;
  - (b) lay-out drawings;
  - (c) fire installation drawings;
  - (d) site drainage installation drawings;
  - (e) particulars of existing buildings to be demolished;
  - (f) such plans and particulars as the Chief Fire Officer may in terms of this chapter require in respect of -
    - (i) the general structural arrangements subject to any requirements in respect of the design of structural systems contained in Code of Practice SABS 0400;
    - (ii) general arrangements of artificial ventilation;
    - (iii) fire protection measures;
    - (iv) any other particulars.
- (2) Such fire protection plan, plans, drawings and diagrams shall comply with the Code of Practice SABS0400 of the South African Bureau of Standards and after approval thereof be retained by the Council.

- (3) The conditions and requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and any regulations promulgated thereunder, applicable to such building or structure, shall mutatis mutandis apply to all buildings and structures in the Council's area.
- (4) Notwithstanding the provisions of subsection (1), the Chief Fire Officer or his authorised official may require such additional paper copies of every plan, drawing or diagram as he may deem necessary, having regard to the particular case, or may in his discretion allow any reasonable deviations from such provisions.
- (5) After approval of such plans, a written notice shall be issued, containing such conditions endorsed thereon as the Chief Fire Officer or his authorised official in terms of these by-laws, deems necessary.
- (6) No plan shall be approved or be deemed to have been approved by the Chief Fire Officer or his authorised representative unless the prescribed tariffs as set out in schedule 1 hereto have been paid.
- (7) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R20, 000 or in default of payment to imprisonment for a period not exceeding twenty four months or to both such fine and imprisonment.

### **Certificate of Occupancy**

- 14.(1) No person shall within the area of the Council use or occupy for whatever purpose or permit to be used or to be occupied for whatever purpose any building or structure, or addition to a building or structure other than a dwelling house, unless it complies with the conditions and requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and any regulations promulgated in terms thereof as well as applicable zoning and consent use requirements and a certificate of occupancy issued by the Chief Fire Officer or his authorised official as well as the building control officer (as defined in section 5 of the National Building Regulations and Building Standards Act, 1977) of the municipality concerned or any other approbation authority within the area of the Council.
- (2) Any person who fails to comply with the provisions of subsection (1) and fails to terminate the use or occupation of such building, structure or addition to a building or structure other than a dwelling house after having received a formal written cessation notice from the Chief Fire Officer, shall be guilty of an offence and liable on conviction to a fine of R1, 000 per m<sup>2</sup> of the used or occupied building or structure or addition to a building or structure or in default of payment to imprisonment for a period not exceeding twenty four months or both such fine and imprisonment.

### **Issue of Certificate of Occupancy**

15. No certificate of occupancy shall be issued by the Chief Fire Officer or his authorised official in terms of this chapter, unless all fire protection measures comply with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and any regulations promulgated in terms thereof, in accordance with the code of Practice of the South African Bureau of Standards : SABS0400 Part T, section 3.

### **Safety of Premises and Buildings**

- 16.(1) The Chief Fire Officer may, whenever he deems it necessary and at any hour which in his opinion is reasonable in the particular circumstances -
- (a) enter upon and inspect any premises or building for the purpose of -
    - (i) ascertaining whether any conditions exist which will or may cause or increase the dangers of or contribute towards the spread of fire, or in particular hinder or obstruct the escape of persons to a place of safety;
    - (ii) inspecting portable fire extinguishers, fire alarms, fire extinguishing devices and other fire-fighting or fire-detecting appliances;
    - (iii) inspecting manufacturing processes involving the danger of fire;
    - (iv) inspecting the method of storing acetylene or other flammable gases, chemicals, oils, explosives, fireworks or any other flammable or hazardous substances; or
    - (v) inspecting installations making use of any of the substances referred to in subparagraph (iv);
  - (b) give such directions as he may deem necessary for minimising the risk of fire and for protection of life and property.
- (2) Notwithstanding the provisions of subsections (1) and (3), when the Chief Fire Officer finds in or upon any premises -
- (a) any combustible or explosive matter so situated or used as to increase the risk of fire or the danger to life or property which will arise in the event of fire; or
  - (b) any condition, state of affairs or practice which in his opinion is likely to increase the said risk of fire or danger to life or property or in particular may handicap the operations of the fire brigade or the escape of persons to a place of safety in the event of fire; or
  - (c) any defective, inferior or insufficient number of appliances;

he shall, subject to the provisions of subsection (3), direct the owner or occupier of such premises to do forthwith or as soon as reasonably possible, whatever in the Chief Fire Officer's opinion is necessary to remedy any state of affairs so found by him or to minimise such risk or danger.

- (3) Where the Chief Fire Officer finds in or on any building-
- (a) any obstruction on or in any fire escape, staircase, passage, doorway or window; or
  - (b) a fire escape which in his opinion is inadequate for the escape to a place of safety, in the event of fire, of such number of persons likely to be in the building at any time; or
  - (c) any other thing or other state of affairs, of a structural nature or otherwise, which in his opinion may -
    - (i) increase the risk of fire or the danger to life or property which will arise in the event of fire;
    - (ii) not be immediately remediable; and
    - (iii) require for the remedying thereof the doing of work, or the incurring of expense, regard being had to the kind of use made of the building and the number of persons likely to be using it at any one time,

the Chief Fire Officer or his authorised official shall notify the owner or occupier of such building in writing of the said findings and require him, within a period specified in such notice, to do whatever the Chief Fire Officer or his authorised official may consider necessary to remedy or to remove such risk of fire or danger, at such occupier's or owner's own cost.

- (4) Where the owner or occupier fails or refuses to comply with a direction referred to in subsection (2) or a notice referred to in subsection (3) within a reasonable time after such direction or within the time specified in such notice, as the case may be, the council may itself take such steps as are, in the opinion of the Chief Fire Officer or his authorised official, necessary to remedy or remove such risk of fire or danger and may recover any expenditure incurred thereby from such owner or occupier.
- (5) Notwithstanding the provisions of subsection (4), any person who receives a direction in terms of subsection (1)(b) or subsection (2), and who fails to comply therewith within a reasonable time as stipulated by the Chief Fire Officer, or any person on whom a notice is served in terms of subsection (3) and who fails to comply therewith within the time specified therein, shall be guilty of an offence and liable on conviction to a fine not exceeding R20, 000 or in default of payment to imprisonment for a period not exceeding twenty four months or to both such fine and imprisonment.

### **Telephones, Fire Alarms and Fire Escapes**

- 17.(1) The Council may cause to be affixed to or removed from any building, wall, fence or other erection within the Council's area any fire alarm or other apparatus for the transmission of calls or signals relating to fire and any board or metal plate or device indicating in any manner the position of the nearest hydrant or other fire fighting equipment or apparatus.
- (2) Any unauthorized person who moves, removes, defaces, damages or interferes with any such apparatus or object as is mentioned in subsection (1), shall be guilty of an offence and liable to reimburse to the Council any expenditure incurred by it as a result of the commission of the offence.
- (3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Exits**

18. Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exit signs : Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building and whereas any person failing to comply with the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Attendance by Emergency Services Officials**

- 19.(1) If at any meeting held at a place of entertainment or recreation, excluding the showing of a film at a licensed cinema or a performance in a theatre, one hundred or more persons are likely to be present, the person convening such meeting, shall deliver a notice in writing to the Chief Fire Officer not less than 48 hours before any such meeting takes place, stating the time when and premises where such meeting will take place.
- (2) Where, in the opinion of the Chief Fire Officer or his authorised official, the presence of an emergency services official is necessary on the grounds of safety, he may provide one or more emergency services officials to be in attendance at any premises during the whole or part of any entertainment, recreation, meeting or other event.

- (3) The person in control of such entertainment, recreation, meeting or other event shall pay to the Council the charges set out in Schedule I hereto.

### **Obstruction and Damage**

20. Any person who -
- (a) willfully interferes with or hinders any official or member of the service or other person acting under orders or such official or member in the execution of his duties under these by-laws; or
  - (b) willfully or negligently drives a vehicle over any fire hose, or damage, temper with or interfere with any such fire hose or any appliance or apparatus of the service

shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **False Information**

21. Any person who willfully gives to the fire brigade any notice or any information relating to an outbreak of fire or any other situation requiring the attendance of the fire brigade which is to his knowledge false or inaccurate shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

### **Exemption from Payment of Charges**

22. Notwithstanding the provisions of section 5, no charges shall be payable where -
- (a) a false alarm has been given in good faith;
  - (b) the services were required as a result of civil commotion, riot or natural disaster;
  - (c) the services were rendered in the interest of public safety;
  - (d) the Chief Fire Officer is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;

- (e) the owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Officer that such vehicle was stolen and that it had not been recovered by him at the time when the services of the service were rendered in respect thereof;
- (f) any person, including the State, has entered into an agreement with the Council whereby the services of the service are made available to such person against payment as determined in such agreement.

### **Recovery of Expenditure**

- 23.(1) The Council may recover the loss incurred by it through the consumption of water for the purpose of fighting of a fire from the owner or occupier of any building which was either on fire or, in the opinion of the Chief Fire Officer, endangered by fire, and the amount payable by any such occupier or owner shall be determined and certified in writing by the Chief Fire Officer, whose certificate shall be final and binding on all persons concerned.
- (2) Any expenditure, other than the cost of water used, incurred by the Council in the removal, storage or other handling of movable property for the purpose of protecting it from damage by, through or incidental to fire shall be determined by the Chief Fire Officer and certified by him in writing, and the sum so certified may be recovered from the owner of such property by the Council which shall be entitled to a lien on the property until the sum certified in respect of it has been paid.

### **Removal of Water, Liquid or other Substances**

- 24. The owner or occupier of any premises from which any water, liquid or other substances, from whatever source, has been pumped or otherwise removed by the fire brigade at his request, shall pay for that service, which the Chief Fire Officer may render at his discretion, the charges set out in Schedule I hereto.

### **Inspection of Equipment**

- 25.(1) Where in terms of these by-laws, any fire hose reel, fire extinguisher, fire fighting equipment, hydrant, fire extinguishing installation or fire alarm has been installed on any premises, the owner of such premises or his agent shall keep such fire hose reel, extinguisher, equipment, hydrant, fire extinguishing installation or alarm in good working order and cause it to be examined once every 12 months by the holder of a certificate of competence issued to him in terms of the Council's by-laws relating to the Control and Handling of Fire Extinguishing Appliances.
- (2) Every such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm shall bear a label on which such person

examining it shall endorse his name, the date of examination and the condition of such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm on that date.

- (3) Any person who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment

### **Unauthorised wearing of Uniform, Rank markings or Insignia**

26. Any person, not an official of the fire brigade service, who wears an uniform or protective clothing of the fire brigade or any uniform, rank markings or insignia intended to convey the impression that he is such an official or who in any other manner represents himself to be such an official, shall be guilty of an offence and liable on conviction to a fine not exceeding R3, 000 or in default to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

### **Sealing of Fire Fighting Equipment in Buildings**

- 27.(1) The Chief Fire Officer or any official authorised by him may seal with wire and metal seal bearing such distinguishing marks as the Chief Fire Officer may from time to time decide, any fire pump connections, hydrants, valves, hydraulic hose reels, and pipes or other equipment which may have been installed in any building for purposes of fire protection and no person, other than officials of the Council or officials of a municipality in the Council's area carrying out tests, or the holder of a certificate of competence issued to him in terms of the Council's by-laws relating to the Control of the Handling of Fire Extinguishing Appliances shall break such seal, except in case of fire.
- (2) Any person who breaks or disconnects such seal and uses water from such fire pump connections, hydrants, valves, hydraulic hose reels, and pipes or other equipment, except for the purpose of extinguishing a fire in or threatening the safety of such building, shall be guilty of an offence.
- (3) Any person who connives at, gives instructions for, assists in, allows or attempts the breaking or disconnection of any seal or the use of any water in contravention of this section, shall be liable as a joint offender. The owner or occupier of any building to which this section applies shall be liable as a joint offender for any contravention of this section by his servants.
- (4) All valves of fire hydrants and hose reels sealed by the Chief Fire Officer or his authorised official, shall be protected by a box, approved by the Chief Fire Officer or his authorised official prior to installation, in such manner that a glass panel must be broken in order to gain direct or indirect access to such valve : Provided that the Chief

Fire Officer or his authorised official may require any other type of protection of approved material.

- (5) Whenever the holder of a certificate of competence issued to him in terms of the provisions of the Council's by-laws relating to the Control of the Handling of Fire Extinguishing Appliances intends breaking the seals to carry out tests, he shall notify the Chief Fire Officer in respect of any premises and the dates on which such tests will be undertaken and completed.
- (6) Any person who contravenes or fails to comply with any provisions in subsections (1), (2), (3), (4) or (5) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

## CHAPTER 2

### FLAMMABLE LIQUIDS AND OTHER SUBSTANCES

#### I N D E X

#### Section

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#### Definitions

1. For the purpose of this Chapter, unless the context otherwise indicates -

**"Act"** means the Fire Brigade Services Act, 1987 (Act No 99 of 1987);

**"above-ground storage tank"** means a tank situated above or partly above ground and used or intended to be used for the storage of flammable liquid;

**"approved"** means approved by the Chief Fire Officer or his authorised official;

**"area"** means in relation to the service of a municipality, the area of jurisdiction of that municipality.

**"area of jurisdiction"** means the district municipal area of the Council as indicated by map No. 7 in Provincial General Notice No. 6574 dated 22 September 2000 read with Gauteng Notice No. 6769 of 2000 and North West Notice No. 329 of 2000, as amended.

**"authorised official"** means a person who possesses the prescribed qualifications and experience, is appointed in terms of section 6 of the Act, who is in charge of a division or function in the area of the service and represents the Chief Fire Officer in the execution of the above Act and these by-laws;

**"boundary line"** means the perimeter of any premises in or on which flammable liquid is stored or used;

**"bulk depot"** means any premises used or intended to be used for the storage in bulk of flammable liquid, whence flammable liquid is to be distributed mainly by tanker truck or otherwise and includes any premises where packaged wares are stored in bulk;

**"bulk store"** means any building or structure in a bulk depot used or intended to be used for the storage of flammable liquid in portable containers;

**"carbide"** means carbide or calcium carbide;

**"certificate of registration"** means a certificate in terms of these by-laws;

**"Chief Fire Officer"** means the person appointed or deemed to be appointed by the council in terms of section 5 of the Act and includes any member of the service appointed in terms of section 6 of the Act, who represents the Chief Fire Officer in the Execution of the provisions of the Act and these by-laws;

**"container"** means any case, tin, barrel, cylinder, drum or other vessel used or intended to be used for the holding of flammable liquid or flammable petroleum gas, but does not include the fuel tank or fuel container of a motor vehicle or a stationary engine in normal use as such;

**"council"** means the West Rand District Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, read with Notice No. 141 published in the Provincial gazette Extraordinary dated 1 October 2000, as amended;

**"flammable liquids"** -

For the application of the definition of "flammable liquids" flash point is determined in accordance with the definitions in respect thereof contained in the Code of Practice SABS 0228, Class 3:

- (a) flammable liquids Class 3.1 : any flammable liquid having a closed-cup flash point below -18 C;
- (b) flammable liquids Class 3.2 : any flammable liquid having a closed-cup flash point of -18 C up to but not including 23 C;
- (c) flammable liquids Class 3.3 : any flammable liquid having a closed-cup flash point of 23 C up to and including 61 C;
- (d) flammable liquids Class 3.4 : any flammable liquid having a closed-cup flash point of exceeding 61 C up to and including 100 C.

**"fire brigade"** means the fire brigade or any branch, station or sub-station of the council's fire brigade;

**"fire extinguishing appliance"** means any fire extinguisher, fire-fighting equipment, fire-hose reel, fire-hydrant or fire extinguishing installation;

**"gas"** means all flammable, non-flammable, or poisonous gas classified and defined in the South African Bureau of Standard's Code of Practice for the identification and classification of dangerous substances and goods : SABS 0228, Class 2;

**"habitable room"** means a room constructed or altered to be used as a living room or workroom, and includes shops, workshops and offices and the term "habitable" has a corresponding meaning;

**"liquefied petroleum gas"** means a mixture of light hydrocarbons (mainly propane, propene, butane and butene) which in conditions of ambient temperature and pressure is in a gaseous form and maintained in a liquid state by means of an increase of pressure or lowering of temperature;

**"mixing room"** means any room or structure used or intended to be used for the manufacturing or preparation of any product involving the use of flammable liquid;

**"motor omnibus"** means a vehicle used principally for the transportation of persons and for the purpose of these by-laws includes micro or combi busses;

**"municipality"** means a municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

**"occupier"** means any person in actual occupation or control of any land, premises, building, or any part thereof, irrespective of the title by which he occupies or controls such land, premises, building or part thereof;

**"owner"** means the person in whose name the property or vehicle is registered;

**"person"** means any individual, company or corporate body or partnership or other association of persons;

**"protected building"** means any house or building or other structure used or intended to be used or available for use for human habitation or public assembly and includes schools, clubs and similar institutions and also includes any buildings or structures for the accommodation of animals, but does not include administrative offices, change rooms or mess rooms in a bulk depot;

**"public place"** means a public place as defined in the Local Government Ordinance, 1939;

**"pump"** means any pump used or intended to be used for the supply, delivery, propulsion or pumping of flammable liquid or substances and includes all apparatus, pipes and appliances used for or in connection therewith, but does not include pumps in bulk depots;

**"registered premises"** means premises in respect of which a certificate of registration has been issued in terms of these by-laws;

**"road tanker"** means a vehicle used for the transport of flammable liquids or liquefied petroleum gas.

**"SABS"** means the South African Bureau of Standards;

**"service"** means a fire brigade service intended to be employed for-

- (a) preventing the outbreak or spread of a fire;
- (b) fighting or extinguishing a fire;
- (c) the protection of life or property against fire or other threatening danger;
- (d) the rescue of life or property from a fire or other danger;
- (e) subject to the provisions of the Health Act, 1977 (Act No 63 of 1977), the rendering of an ambulance service as an integral part of the fire brigade service; or
- (f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e);

**"spray booth"** means any separate compartment constructed of metal and established inside an existing room or any subdivision of a spray room if such compartment or subdivision is used or intended to be used for the purpose of spraying vehicles or articles with flammable liquid and purposes incidental thereto;

**"spray permit"** means a permit issued by the council authorising a person to spray any article or object with flammable liquids inside a building;

**"spray room"** means any room, building or structure used or intended to be used for the purpose of spraying vehicles or articles with flammable liquid, and purposes incidental thereto;

**"storeroom"** means any building or structure other than a bulk store which is used or intended to be used for the storage of flammable liquid in containers;

**"tank"** means a metal tank of adequate strength for the intended use, which is used or intended to be used for the storage of flammable liquid;

**"tanker truck"** means a vehicle constructed and intended for the purpose of transporting flammable liquids or liquefied petroleum gas for the distribution principally or solely in a tank constructed as part of and firmly attached to such vehicle;

**"transfer under seal"** means the transfer of flammable liquid from a tanker truck in such a manner as to prevent the escape of flammable liquid or its vapour at any point in the system, except at such points where the vapour necessarily expelled, is discharged through a vent pipe;

**"transport permit"** means a permit by virtue of which flammable liquid may be transported by road;

**"underground storage tank"** means a tank used or intended to be used for the storage of flammable liquid completely sunk in and surrounded by earth or solid rock or any such tank situated in a basement below ground level and totally enclosed by a liquid-tight concrete or brick structure, and completely surrounded by a sand filling;

**"vent pipe"** means a pipe constructed and installed to allow the escape of flammable liquid vapour into the atmosphere.

## **GENERAL**

### **Determinations of other by-laws are applicable**

2. The provisions of these by-laws shall be in addition to, and not in substitution of, any by-laws of the Council or a Municipality, but shall not apply to any land or premises situated outside a township to which the general public has no right of access and on which the owner or occupier stores or keeps flammable liquids or substances for his own use in connection with agricultural activities.

### **Application of these by-laws on existing stands**

3. The provisions of sections 34, 45, 55 and 62(a) and (d) shall not apply to any premises presently in lawful use for the storage, use or handling of flammable liquids, so as to require such premises to be reconstructed, altered or added to, to conform to the provisions thereof, but where such premises or part thereof are reconstructed, altered or added to, such work shall be carried out in conformity with the provisions of these by-laws: Provided that on change of control or ownership of any premises in lawful use for the storage, use or handling of flammable liquids, no renewal of any certificate of registration issued in connection therewith shall be made unless and until the provisions of the sections hereinbefore mentioned have been complied with, and the provisions of such sections shall thereafter apply to such premises.

### **Application for the Approval of Plans**

- 4.(1) Every application for the approval of plans, shall be made in writing to the Council.
- (2) Every such application shall be accompanied by a plan of the premises in respect of which a certificate is required, drawn to a scale of not less than 1:100 which shall specify-
  - (a) the premises including their elevation with regard to adjacent buildings or structures above or below the ground, the inside dimensions shown in figures of any room, building, structure or storage tank in which flammable liquid is to be stored, used or handled, as well as a description of the material with which such room, building, structure or storage tank is or is proposed to be constructed; and
  - (b) full particulars, including the position on the site of any pump, storage tank, store, mixing room, pipeline, spray room, spray booth or ventilation equipment.
- (3) Every such application shall also be accompanied by a block plan of such premises drawn to a scale of not less than 1:500, which shall specify -

- (a) the premises and all open spaces with stand numbers thereof and the materials of which such premises are constructed or are to be constructed;
  - (b) stands with numbers thereof immediately adjoining the premises;
  - (c) names of any streets on which the premises abuts and the township in which it is situated;
  - (d) the north point.
- (4) If the plan relates to existing premises in respect of which a certificate of registration has been issued and in respect of which it is proposed to make alterations or additions to any apparatus lawfully used or intended to be used thereon for the storage or handling of flammable liquids it shall be accompanied by a ground plan only. Such a ground plan shall be drawn to a scale of not less than 1:100 and shall show such additions or alterations in relation to such existing premises or apparatus.
- (5) All plans shall be -
- (a) signed by the owner or his agent;
  - (b) drawn in black ink on white linen, white plastic or other suitable material, or clear prints;
  - (c) coloured with fast colours as follows:
    - (i) Block Plan:
      - Proposed premises: Red.
      - Other existing buildings: Grey or neutral tint.
      - Open spaces: Uncoloured.
    - (ii) Other Plans:
      - Ventilation ducts, trunks or enclosures: Blue.
      - Storage tanks, pumps, pipelines, mixing rooms and spray booths: Red.
      - Buildings in which flammable liquid is stored, used or handled: Uncoloured.
      - Other existing buildings where required: Grey or neutral tint.
- (6) On approval of such plans, written notice shall be issued with such conditions as are deemed necessary in accordance with these by-laws endorsed thereon by the Chief Fire Officer.

- (7) The approval of plans in respect of premises shall in no way imply acceptance of any responsibility on the part of the Council in regard to such premises.

### **When Plans are Null and Void**

5. The approval of the **Chief Fire Officer or his authorised official** of any plans in terms of section 4 shall lapse and be of no force and effect if the provisions of these by-laws shall not have been complied with within one year after the date of such approval.

### **Certificates of Registration and Permits**

- 6.(1) No person shall carry out any spraying operations with flammable liquid in any building or part thereof unless such person is in possession of a spray permit in respect of the said building or part thereof issued in terms of these by-laws or shall unless he is in possession of a certificate of registration in respect of any premises, store, use or handle flammable liquid on such premises in excess of the following quantities:-
- (a) flammable liquids Class 3.1 and 3.2 : a total quantity of 40 litres;
  - (b) flammable liquids Class 3.3 : a total quantity of 200 litres; and
  - (c) flammable liquids Class 3.4 : a total quantity of 500 litres.
- (2) No certificate of registration or spray permit shall be issued in respect of any premises for the storage, use or handling of flammable liquid unless application is made in writing to the Council and until the provisions of these by-laws have been complied with in respect of such premises.
- (3) Such certificate of registration or spray permit may be issued subject to such conditions as are deemed necessary by the **Chief Fire Officer or his authorised official**, having regard to the circumstances pertaining to each application.
- (4) Such certificate of registration shall state the maximum quantity of each class of flammable liquid permitted to be stored, used or handled, the manner in which such liquid shall be stored, used or handled and the number of pumps, storage tanks and stores permitted on the premises.
- (5) Every such certificate of registration shall only be valid for 12 months from date of issue.
- (6) No certificate of registration or spray permit, other than a renewal thereof, shall be issued in respect of any premises until the provisions of these by-laws have been complied with and the application therefor has been approved by the **Chief Fire Officer or his authorised official**.

### Supply of Flammable Liquid

7. No person shall -
- (1) Supply or deliver or cause or permit to be supplied or delivered flammable liquid in excess of the quantity specified in section 6(1) to any premises, the occupier of which is not in possession of a certificate of registration issued in terms of the provisions of these by-laws in respect of the said premises; or
  - (2) Supply or deliver or cause or permit to be supplied or delivered to any premises flammable liquid in excess of the quantity or of a class other than that specified on the certificate of registration relating to such premises.

### Exemptions and Requirements : General

- 8.(1) Notwithstanding anything contained in these by-laws -
- (a) flammable liquid shall not be deemed to be stored or transported when contained in the fuel tank of a motor vehicle or stationary engine in normal use as such : Provided that-
    - (i) if the fuel tank of a stationary engine is not a component of such stationary engine, or if it does not exceed 1,5 kl, the fuel tank shall be installed in accordance with the requirements contained in SABS 0131, Part 1;
    - (ii) the **Chief Fire Officer or his authorised official** may require other or additional security measures and fire fighting equipment, having regard to the particular circumstances pertaining to any case.
  - (b) any person may keep any flammable substance such as varnish, lacquer, paint, vulcanising cement or other similar preparations, hydraulic fluids and other similar preparations, liquids constituting or forming part of medicinal, cosmetic and other similar preparations and diesel and heavy furnace fuels on any premises where such substance is entirely contained in sealed metal containers and no container shall be opened on such premises except in the open air or in a store as defined in section 1 : Provided that -
    - (i) where 1 kl or more of such substances are kept in any room or building, such room or building shall be constructed of non-combustible material and the substances shall be situated in such a position that they shall not impede the escape of any person or animal from the premises in case of fire;
    - (ii) where the total quantity of such substances is in excess of 5 kl such excess quantities shall be kept in a separate non-combustible room or building or store;

- (iii) such room or building shall be constructed in such a manner and be surrounded by walls or bunds of such a character that the substances contained therein cannot escape therefrom, such walls or bunds to be of sufficient capacity to contain not less than 75 per cent of the maximum quantity capable of being stored therein;
- (iv) the room or building shall be ventilated so as to adequately prevent the accumulation of flammable vapour within all portions of such room or building;
- (v) the room or building shall be situated in such a position that it is not likely to endanger any other adjoining room, building or premises in case of fire;
- (vi) conspicuous no smoking signs of an approved size and material shall be displayed outside all entrances to every such room or building to the satisfaction of the Chief Fire Officer and shall at all times be maintained in such positions and in a legible condition;
- (vii) no container shall be opened in such room building;
- (viii) fire appliances shall be installed to the satisfaction of the **Chief Fire Officer or his authorised official**;
- (ix) the **Chief Fire Officer or his authorised official** may require other additional safety precautions and fire extinguishing appliances, having regard to the particular circumstances of any case.

#### **Exemptions and Requirements: Class 3.3 and 3.4 Flammable Liquids**

- (2) (a) The exemption referred to in subsection (1)(a) and (b) shall mutatis mutandis apply to Class 3.3 and 3.4 flammable liquid contained in fuel tanks or other approved containers and not exceeding 1,5 kl on any premises. In the event of the quantity exceeding 1 kl the provisions of subsection (1)(b)(i) to (ix), inclusive, shall mutatis mutandis apply.
- (b) In the case of bulk storage of liquids, oils or other substances which are, or are to be, stored or used for heating or any other purpose, the procedure and provisions of sections 4, 5 and 34 shall be followed and shall mutatis mutandis apply.

### Conditions of Certificate of Registration

- 9.(1) No person shall store, use or handle or cause to be stored, used or handled on any premises -
- (a) any quantity of flammable liquid in excess of the quantity specified in the certificate of registration relating to such premises;
  - (b) any flammable liquid other than the class or classes specified in the certificate of registration relating to such premises;
  - (c) any flammable liquid in a manner other than the manner specified in the certificate of registration relating to such premises; or
  - (d) a greater number of pumps, storage tanks or stores than specified in the certificate of registration relating to such premises.
- (2) Any person in lawful possession of any certificate of registration may make written application to the Chief Fire Officer for the amendment of the total quantity or the class of flammable liquid specified in such certificate. Such application shall be granted by the **Chief Fire Officer or his authorised official** only when the proposed amendment is in conformity with the provisions of these by-laws. Where the **Chief Fire Officer or his authorised official** has granted any such application, such person shall surrender the certificate of registration to the **Chief Fire Officer or his authorised official** for amendment.

### Display of Certificate of Registration

10. Any person to whom a certificate of registration has been issued shall cause such certificate to be affixed and maintained in a conspicuous position on the registered premises. Such certificate shall be maintained at all times in such position and in a legible condition.

### Renewal of Certificate of Registration of Spray Permit

11. Application for the annual renewal of a certificate of registration or spray permit shall be made not later than the 15th day of the month proceeding that for which such renewal is required, on a form obtainable from the Chief Fire Officer.

### **Transferability**

- 12.(1) No certificate / permit / authorization granted in terms of these by-laws shall be transferable to another person : Provided that, if the holder of a certificate of registration / permit / authorization being a company or close corporation is in the course of liquidation or if the holder of such a certificate / permit / authorization dies or in any way becomes incapable in law of carrying on his business or undertaking, then his widow, executor, trustee, liquidator or curator bonis appointed by the court, as the case may be, may carry on the business or undertaking for the unexpired period of the certificate / permit / authorization.
- (2) No certificate of registration or spray permit shall be transferable from one premises to another.

### **Temporary Storage**

- 13.(1) The **Chief Fire Officer or his authorised official** may in writing exempt from the provisions of section 6 for such period as he may deem necessary any person wishing to store a quantity in excess of 40 litres flammable liquid class 3.1 or class 3.2 in excess of 200 litres flammable liquid class 3.3 or in excess of 500 litres flammable liquid class 3.4 required for or in connection with any excavation, building, road making or other like operation of a temporary nature : Provided that -
- (a) application is submitted in writing to the Chief Fire Officer on a form to be obtained from the Chief Fire Officer.
  - (b) suitable provision has been made to surround the containers of such flammable liquid by walls or bunds of such a character that such flammable liquid cannot escape from such walls or bunds either under the action of fire or otherwise; and
  - (c) approved fire extinguishing appliances conforming to the requirements of SABS 810 and installed in accordance with SABS 0105 are being maintained and serviced;
  - (d) conspicuous no smoking signs of an approved size and material be displayed in positions to the satisfaction of the **Chief Fire Officer or his authorised official** and be maintained in a legible condition in such positions at all times; and
  - (e) other additional safety measures to be complied with may be imposed by the **Chief Fire Officer or his authorised official** as he deems necessary for the storage, use or handling of such flammable liquid.
- (2) Any person to whom an exemption has been granted in terms of subsection (1) shall ensure that at all times -

- (a) all reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite flammable liquid or flammable liquid vapour being brought into contact with such flammable liquid or its vapour;
- (b) such flammable liquid is not placed within 4,5 m of any protected work or public thoroughfare; and
- (c) the provisions of subsection (1)(b) to (e) are observed.

### **Installation and Erection**

- 14.(1) Immediately the installation of any pump, storage tank, filling device, store, mixing room, spray room or other premises intended for the storage, use or handling of flammable liquid has been completed, the occupier of the premises shall notify the Chief Fire Officer in writing of the date on which the work will be ready for inspection.
- (2) No person shall use or cause or permit to be used such pump, storage tank, filling device, store, mixing room, spray room or other premises for the storage, use or handling of flammable liquid until such person is in possession of a certificate of registration relating thereto.

### **Additions and Alterations to Registered Premises**

- 15.(1) No additions or alterations to any existing registered premises shall be made unless and until a plan of the existing premises, together with the proposed work, shall have been submitted to the **Chief Fire Officer or his authorised official** and approved by him in writing.
- (2) Such plan shall be in accordance with the provisions of section 4.

### **Removal and Dismantling**

- 16.(1) Any person who removes or causes or permits to be removed any pump, storage tank or filling device from any registered premises, shall give notice of such removal in writing to the Chief Fire Officer.
- (2) The removal of any such pump, tank or filling device from any registered premises shall ipso facto cancel the certificate of registration in so far as it refers to such pump, tank or filling device, as the case may be, together with any other authority including any exemption granted in terms of these by-laws and no such pump, tank or filling device shall be re-erected on such premises unless and until a new certificate of registration has been obtained in the manner provided in terms of these by-laws: Provided that the provisions of this section shall not apply in respect of any such pump,

or filling device which is temporarily removed for the purpose of effecting repairs thereto.

**Storage, Use and Handling on Registered Premises Prohibited  
in Certain Circumstances**

17. Except as otherwise provided in these by-laws, no person shall store, use or handle, or permit or cause to be stored, used or handled any flammable liquid on any registered premises -
- (1) where such flammable liquid or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such flammable liquid or its vapour;
  - (2) unless such premises are so situated or constructed or so protected by surrounding walls as not to expose any adjoining premises, room, building, or other property to the risk of danger from fire;
  - (3) so situated as to prevent or impede the escape of any person or animal in the case of fire or otherwise;
  - (4) unless all equipment and apparatus used on such premises for the storage, use or handling of flammable liquid is maintained in good and proper order and free from leakage of flammable liquid; or
  - (5) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises, and for the prevention of unauthorized persons obtaining access to the flammable liquid kept thereon.

**Prohibition of Certain Acts**

18. No person who stores, uses or handles or causes or permits to be stored, used or handled any flammable liquid on any premises shall do or cause or permit to be done any act which tends or is likely to cause a fire or an explosion.

### **Notice to Discontinue Dangerous Method**

- 19.(1) If at any time during an inspection of any premises it appears that the method of storage, transport or handling of flammable liquids is in conflict with the provisions of these by-laws or that the safety of the public or any person employed at such premises is endangered, the Chief Fire Officer may require such method to be ceased forthwith or that such flammable liquids be removed to a place for safe keeping.
- (2) Any person failing to comply with any order of the Chief Fire Officer, issued in terms of this section, shall be guilty of an offence.

### **Flammable Liquid Escaping into Drains**

20. No person shall cause or permit flammable liquid to enter any sewer or inlet or drain communicating with any sewer or any surface water drain.

### **Prohibition against Device and Pumps in Basements**

21. No person shall use or cause or permit to be used in any basement any device for spraying flammable liquid or any pump or other device for the issue or transfer of flammable liquid to vehicles or containers.

### **Prohibition against Flammable Liquid for Dry Cleaning Purposes**

- 22.(1) No person shall in a dry cleaning room or in the dry cleaning process store, use or handle or cause or permit flammable liquid to be stored, used or handled or commit or cause or permit any act to be committed which may possibly or probably cause a fire or an explosion.
- (2) The **Chief Fire Officer or his authorised official** may in his discretion allow any deviation from the provisions of this section if he is convinced that no fire-risk will be caused or increased by such deviation or that no persons, animals or other property will be endangered in the event of a fire.

### **Filling Operations**

- 23.(1) No person shall transfer, other than at a bulk depot, any flammable liquid from or to any road tank wagon unless such transfer is carried out under seal and in the case of such wagon the engine thereof is stopped.

- (2) The refueling of aircraft at an aerodrome or landing ground may be performed from a road tank wagon equipped with an approved power pump : Provided that the engine or engines of such aircraft is or are stopped.

### **Filling on or across Public Sidewalks**

24. No person shall-
- (1) take on or across any public sidewalk or cause or permit to be so taken the hose of a pump for the purpose of replenishing any vehicle or container with flammable liquid;  
or
- (2) so replenish or cause or permit to be so replenished any vehicle or container which is standing on any public sidewalk.

### **Replenished Fuel Tank**

25. No person shall-
- (1) upon any registered premises strike a match or smoke a pipe, cigar or cigarette or ignite a lighter or other similar contrivance or approach with any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour within a distance of 3 m of any fuel tank of any motor vehicle whilst such fuel tank is being replenished or is open;  
or
- (2) replenish or permit to be replenished any such fuel tank while the engine of such motor vehicle is in motion.

### **Replenishing of Public Omnibuses**

26. No person shall replenish or cause or permit to be replenished the fuel tank of any motor omnibus or carry or cause or permit to be carried any flammable liquid in or on any motor omnibus except in the fuel tank thereof whilst any person, other than the driver or person responsible therefor, is within or upon such omnibus..

### **Fire Extinguishing Appliances**

- 27.(1) Except where otherwise provided in these by-laws, the person to whom the certificate of registration or permit has been issued in terms of these by-laws shall install or cause to be installed on all premises to which such certificate or permit refers fire extinguishing appliances, equipment and alarms in accordance with SABS 0400;

- (2) Such fire extinguishing appliances shall be approved fire extinguishing appliances complying with the requirements of SABS 810, SABS 889 or SABS 1151, as the case may be, and shall be installed and maintained in accordance with SABS 0105 : Provided that where the Chief Fire Officer is of the opinion, having regard to the particular circumstances of every case, that the fire extinguishing appliances are insufficient, such other fire extinguishing appliances as he may deem necessary for the particular hazard, shall be installed.
- (3) The person to whom a certificate of registration, spray permit or transport permit has been issued in terms of these by-laws shall maintain at all times on the premises or vehicle to which such certificate or permit relates all fire extinguishing appliances, fire extinguishers, equipment and alarms in accordance with the provisions of these by-laws in good order and ready for immediate use.

### **Examination of Fire Extinguishing Appliances**

- 28.(1) Where, in terms of these by-laws, any fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm has been installed on any premises, the owner of such premises or his agent shall keep such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm in a good working order and cause it to be examined every 12 months by the holder of a certificate of competence issued to him in terms of the provisions of the chapter relating to the Control and Handling of Fire Extinguishing Appliances.
- (2) Every such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm shall bear a label on which such person examining it shall endorse his name, the date of examination and the condition of such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm on that date.

### **Reporting of Incidents**

29. The occupier of any registered premises shall immediately report to the Chief Fire Officer any fire or incident in which flammable liquids are involved and which occurred in or in connection with such premises.

**Rules to be Observed on Premises not required to be  
Registered in Terms of these By-Laws**

- 30.(1) No person shall store, use or handle or cause or permit to be stored, used or handled any flammable liquid on any unregistered premises unless such flammable liquid is stored, used or handled in such a place or in such a manner that -
- (a) no flammable liquid or its vapour comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such flammable liquid or its vapour; or
  - (b) in the case of fire the escape of persons or animals will not be prevented or impeded.
- (2) No person shall use or handle or cause or permit to be used or handled any flammable liquid on unregistered premises -
- (a) except in a suitable place in the open air so that the fumes can escape easily or in a room provided with adequate ventilation to remove the fumes therefrom and effectively prevent the accumulation of fumes therein;
  - (b) in the case of fire the escape of persons or animals will not be prevented or impeded.
- (3) On unregistered premises flammable liquid shall be stored only in a substantial container which shall be kept securely closed when not in immediate use.

**Inspection of Premises**

- 31.(1) The Chief Fire Officer may at all reasonable times and without prior notice, for any purpose in connection with the application of these by-laws, enter any premises and make such enquiries or carry out such inspection as he may deem necessary.
- (2) The owner or occupier, or failing their presence on the premises, any other person employed thereon shall upon demand disclose to the Chief Fire Officer the presence of any flammable liquid in or upon such premises and shall answer all enquiries relating either to the observance of these by-laws or to any condition in connection with the certificate of registration or permit.

**Taking of Samples**

32. Upon inspection of any premises by the Chief Fire Officer he may take samples for the purpose of analysis or examination of any flammable liquid or substance, or of any liquid or substance suspected of being flammable, which is found upon such premises :  
Provided that -

- (a) any sample so taken shall be taken in the presence of the owner, occupier or other person in charge, as the case may be;
- (b) the owner, occupier or other person in charge may require the Chief Fire Officer taking the sample to divide it into two parts and to mark, seal and deliver to him one such part.

### **Breach of Conditions**

33. Any person who commits any breach of or fails or neglects to comply with any condition endorsed on the approval notice or certificate of registration or spray permit issued in terms of these by-laws shall be guilty of an offence.

### **Storage Tanks, Pumps, Pipelines and Containers**

- 34.(1) The installation of storage tanks, pumps / dispensers and pipes at service stations and consumers' installations shall be carried out in accordance with the directions contained in SABS 0400, SABS 0131 Part 2, SABS 0131 Part 3, SABS 089 and SABS 1535, as the case may be.
- (2) approved fire extinguishing appliances shall be installed to the satisfaction of the **Chief Fire Officer or his authorised official**.
  - (3) Conspicuous no smoking signs of approved size and material shall be affixed at suitable positions to the satisfaction of the **Chief Fire Officer or his authorised official** and shall at all times be maintained in a legible condition in such positions.
  - (4) The **Chief Fire Officer or his authorised official** may impose such other additional safety measures, as he may deem necessary, which shall be complied with in connection with the tank and equipment or apparatus, or other equipment, using fuel from such tank for whatever purpose.

### **Entering of Storage Tanks**

35. No person shall -
- (a) enter or cause or permit any person to enter any storage tank which has contained flammable liquid, until all flammable liquid vapour has been removed from such tank;
  - (b) enter any storage tank at any time unless he is bound to a life line, which at surface level is under control of a reliable person who continuously guards the safety of the person in the storage tank.

### Construction of Portable Containers

36. No person shall store or convey or cause or permit to be stored or conveyed in any one container any Class 3.1 or Class 3.2 flammable liquid in a quantity exceeding 50 litres unless such container is constructed of metal not less than 1,5 mm in thickness.

### Filling of Containers

37. No person shall carry on or cause or permit to be carried on the trade business or occupation of filling containers with Class 3.1 or Class 3.2 flammable liquid otherwise than in a fire-resisting building adequately ventilated : Provided that such filling may be conducted in the open air if, in the opinion of the **Chief Fire Officer or his authorised official**, it is not carried out at such a place or in such circumstances that there is a danger either of the liquid or the vapour therefrom becoming ignited, or that, in the event of fire, any structure or building will be endangered or the escape of persons or animals from premises to a place of safety will be obstructed or impeded.

### Quantity of Flammable Liquid in Containers

38. No container shall be filled with flammable liquid to more than 95 per cent of its capacity.

### Containers after Delivery

39. No person taking delivery of any flammable liquid in containers in excess of the quantity stated in section 6 or under circumstances of temporary storage provided for in section 13, shall cause or permit such containers to remain unattended in any place other than a store or storage tank for a longer period than may be reasonably necessary which, in no circumstances, shall exceed a period of 12 hours.

### Storage of Empty Containers

- 40.(1) No person shall place any empty container or cause or permit any empty container to be placed in any premises other than a store : Provided that -
- (a) such container may be stored in the open air in such a position that, in the opinion of the Chief Fire Officer, it is, in the event of fire, not likely to obstruct or impede the escape to safety from any premises of persons or animals or to endanger any room or building;
  - (b) no person shall cause or allow any empty container to remain in or on any public place.

- (2) Every empty container so stored shall at all times be securely closed with a bung or other suitable stopper.

### **Repairing of Containers**

41. No person shall carry out or permit to be carried out any repairing operations to any container until all flammable liquid and flammable liquid vapours have been removed from such container.

### **Marking of Containers**

42. No person shall supply or deliver to any person any Class 3.1 or Class 3.2 flammable liquid in any container of less than 200 litres capacity, unless such container bears in conspicuous letters the word "FLAMMABLE" in both official languages.

## **STORES**

### **Capacity of Stores**

43. The certificate of registration issued in respect of any store shall state the class and maximum quantity of flammable liquid permitted to be kept in such store at any one time.

### **Danger Notice on Store**

- 44.(1) No person shall use as such or cause or permit to be used as such any flammable liquid store, unless and until the words "DANGER - FLAMMABLE LIQUID - NO SMOKING" in letters not less than 75mm in height is prominently displayed in a position where it will be visible from the outside, whether the door be open or closed. Such notice shall at all times be maintained in such position and in a legible condition.
- (2) The **Chief Fire Officer or his authorised official** may require additional no smoking signs of approved size and material which shall be affixed in positions to his satisfaction and shall at all times be maintained in such positions in a legible condition.

### Construction and Situation on Store

- 45.(1) Every store shall be constructed in accordance with the following requirements:-
- (a) The walls shall be constructed of brick or concrete, the floor of concrete or other impervious material, and the roof of reinforced concrete : Provided that the roof may be constructed of other non-combustible material, where such store is not likely to endanger any room, building or adjoining premises in case of fire.
  - (b) The store shall be fitted with a door consisting of at least a class B rated door and frame assembly defined by the SABS and in the case of attached stores any doors communicating with any other part of the building shall be a class D door as defined by the SABS.
  - (c) All window frames shall be constructed of metal, glazed with wire woven glass and shall be of the non-opening type. Each pane shall not exceed 450mm x 450mm.
  - (d) Every store shall be constructed in such a manner or surrounded by walls or bunds of such a character that the flammable liquid contained therein cannot escape therefrom. The well formed by such walls or bunds shall be of sufficient capacity to contain the maximum liquid capacity of the store plus 10 per cent thereof.
  - (e) The store shall be ventilated in such a manner as will adequately prevent the accumulation of flammable liquid vapour within all parts of such store and discharge the vapour into the open air at a point or points where the vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite it. The ventilation may be created by either of the following two methods:-
    - (i) Terra-cotta air-bricks measuring 215mm by 140mm shall be built into the wall at distances of not more than 450mm on all free walls : Provided that at least two such free walls shall be opposite each other and that the lower edge of such air-bricks shall be at bund level; or
    - (ii) A mechanical system of exhaust ventilation shall be installed should the store be inside a building or where a well is of greater depth than 300mm or, if in the opinion of the **Chief Fire Officer or his authorised official**, the store would be inadequately ventilated by means of method (i). Such exhaust apparatus installed shall be of flameproof construction and shall be capable of effectively removing flammable vapour and changing the air through any cross-section of the store at least 30 times in every hour. The exhaust vents shall be constructed so as to conform to and comply with the provisions of section 62(1)(h). The exhaust system and lighting for the store shall be operated by means of a courtesy switch fitted to the door of such store.
  - (f) All air-bricks shall be protected by non-corrodible wire gauze with a mesh aperture not exceeding 600 micrometre.

- (g) A store shall not be situated in such a position that it will impede the escape of any person or animal from the premises, or endanger any room, building, or premises in the case of fire.
  - (h) Any store with a floor area in excess of 10m<sup>2</sup> shall be provided with at least two doors, constructed as described in paragraph (b), situated at such distance from each other as to allow the free and unimpeded escape of persons within the store from either door in the case of fire or other danger : Provided that if the **Chief Fire Officer or his authorised official**, having regard to the particular circumstances of every case, is of opinion that the fire extinguishing appliances are insufficient, such other fire extinguishing appliances as he may regard as being necessary for the particular hazard, shall be installed.
- (2) Subject to the requirements of section 4 and notwithstanding anything to the contrary contained in these by-laws, a store may be constructed of non-combustible material if -
- (a) such store has no building nearer to it than a minimum of 15m; and
  - (b) it is surrounded by the necessary wall or impervious bund as provided in subsection (1)(a).
- (3) Every store shall be maintained at all times in accordance with the provisions of this section.

### **Lighting of Store**

46. All lights installed shall be enclosed in an outer flame-proof fitting and all wiring shall be armoured cable or enclosed in seamless metal tubes the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store.

### **Use of Store**

47. No person shall -
- (1) use any store or cause or permit such store to be used for any purpose other than the storage, use or handling of flammable liquids and substances.
  - (2) engage in or cause or permit any other person to be engaged in any store unless all the doors of the store are fully open and kept entirely unobstructed.

### Unauthorized Persons Entering Store

48. No person shall enter any store or cause or permit any store to be entered without the express permission of the occupier or other responsible person in charge of such store.

### BULK DEPOTS

49. No person shall -
- (1) establish or cause or permit a bulk petroleum depot to be established; or
  - (2) store, handle or distribute petroleum products or cause or permit petroleum products to be stored, handled or distributed in a bulk depot -
- unless the Requirements of the Code of Practice for the Handling, Storage and Distribution of Petroleum Products of the South African Bureau of Standards, SABS 089 Part 1, have been complied with : Provided that -
- (a) having regard to the dangers exposed to and the available water supply, the **Chief Fire Officer or his authorised official** may require any other additional safety measures and provision of such fire extinguishing appliances which he may regard necessary to be complied with or provided.
  - (b) a certificate of registration has been issued in respect of the premises concerned.

### TRANSPORT OF FLAMMABLE LIQUID Transport Permit

- 50.(1) Save as provided in section 59, no person shall use or cause or permit to be used in or on any public place any vehicle for the conveyance of flammable liquid unless and until he is in possession of a transport permit issued to him by the **Chief Fire Officer or his authorised official** in respect of such vehicle, or a permit issued to him by any other local authority for such purpose and in respect of such vehicle.
- (2) Application for a transport permit referred to in sub-section 1, shall be made in a form available from the Chief Fire Officer.
  - (3) No transport permit shall be issued to an applicant by the **Chief Fire Officer or his authorised official** unless and until the requirements of the Hazardous Substances Act, 1973 (Act 15 of 1973) and the Standard Specifications for Road Tank Wagons for Flammable Liquids of the South African Bureau of Standards, SABS 1398 and SABS codes of Practice: SABS 0189 or SABS 087 Part 4, as the case may be, have been complied with.

### **Issue of Transport Permit**

- (4) No transport permit shall be granted in respect of any vehicle unless and until such vehicle -
- (a) has been exhibited for examination at such place as the **Chief Fire Officer or his authorised official** may direct;
  - (b) complies with the conditions of fitness relating to such vehicle in terms of the Road Traffic Act, 1989 (Act 29 of 1989) and the conditions in terms of the Hazardous Substances Act, 1973 (Act 15 of 1973), and any regulations promulgated thereunder;
- (5) A transport permit contemplated in sub-section (4) shall -
- (a) continue in force for a period of 12 months or such lesser period as may be stated in such permit;
  - (b) specify the maximum quantity and class of flammable liquid which such vehicle shall be permitted to carry;
  - (c) be kept in the vehicle in respect of which such transport permit was issued; and
  - (d) be maintained in a good and legible condition by the owner or person in control of such vehicle.

### **Use of Road Tankers of Tanker Trucks**

- 51.(1) No person shall use or cause or permit to be used a road tanker or tanker truck for the transport of flammable liquids, other than in accordance with the conditions in terms of the Hazardous Substances Act, 1973 (Act 15 of 1973) and the requirements of the Standard Specifications for the Use, Handling and Maintenance of Road Tankers for Flammable Liquids of the South African Bureau of Standards, SABS 1398 and SABS Codes of Practice: SABS 0189 or SABS 087 Part 4, as the case may be;
- (2) The **Chief Fire Officer or his authorised official** may require that additional safety measures, which he may deem necessary, having regard to the particular case, be complied with.

### **Maintenance of Vehicles**

52. No person shall use or cause or permit to be used for the transport of flammable liquid on any public place, any vehicle, unless such vehicle is maintained in sound and good working order.

### **Opening to Tank**

53. All openings to the tank of any vehicle used for the transport of flammable liquid shall be kept securely and effectively closed at all times when not in use.

### **Supervision of Road Tanker or Tanker Truck by Responsible Person**

- 54.(1) Every road tanker or tanker truck shall be under the constant supervision of a responsible person during the period such wagon is in use as such anywhere other than at a bulk depot.
- (2) No road tanker or tanker truck which is not self propelled and no other non-self-propelled vehicle so long as it is loaded with any flammable liquid shall be taken to or allowed to remain on any premises unless there is on the same premises at the same time a vehicle capable of and properly equipped for immediately towing it away from the premises.
- (3) No road tanker or tanker truck or vehicle which is not self- propelled shall be allowed to remain in or on any street or other public place except for the minimum period necessary for unloading it and unless it is properly, firmly and directly connected to a vehicle capable of and properly equipped for immediately towing it away.

### **Position of Road Tanker or Tanker Truck during Delivery Operations**

- 55.(1) No person shall-
- (a) cause or permit a road tanker or tanker truck to stand on or across any public footpath during delivery operations;
  - (b) place the hose or cause or permit the hose to be placed across such footpath during such operations; or
  - (c) cause or permit a tanker truck to reverse onto or off any premises before or after delivery operations to such premises.

- (2) Should it not be possible to comply with the provisions of subsection (1)(a), (b) and (c), the **Chief Fire Officer or his authorised official** may permit the installation of an underground kerbside filling point, which shall be installed and maintained to his satisfaction.

### **Fire Extinguishing Appliances**

- 56.(1) No person shall use or cause or permit to be used any vehicle for the conveyance of flammable liquid, unless such vehicle is provided with at least one efficient fire extinguisher which shall be of the dry-chemical type and have a capacity of not less than 9kg : Provided that where the Chief Fire Officer is of the opinion, having regard to the fire hazards of the particular case, that dry-chemical fire extinguishers are not adequate, such other fire extinguishers shall be installed as he may consider to be required by the said hazards.
- (2) Such extinguishers shall be carried on the road tank wagon in such a position and shall be attached to the road tank wagon in such a manner as to be readily and easily accessible in the case of fire.

### **Agencies likely to Ignite Flammable Liquids**

57. No person shall -
- (1) bring or cause or permit to be brought any fire, flame or other agency likely to ignite flammable liquid or its vapour within 3m of any vehicle on or in which flammable liquid is transported;
- (2) carry or permit to be carried any matches, cigarette lighters or similar contrivances on any vehicle used for the transport of flammable liquid; or
- (3) while in attendance on such vehicle smoke or permit any other person thereon to smoke during the transport of flammable liquid or the filling of such vehicle with flammable liquid or the discharge of such liquid therefrom; or
- (4) smoke within 3m of such vehicle during the filling of such vehicle with flammable liquid or the discharge of such liquid therefrom or while in attendance thereon permit any other person so to smoke.

### **Precautionary Measures**

58. Every person responsible for or concerned in the conveyance of flammable liquid shall take all reasonable precautions for the prevention of accident by fire or explosion and for the prevention of access by any unauthorized person to any container whilst in transit.

### **Limitation of the Application of Certain Sections**

- 59.(1) The provisions of sections 50 to 56 inclusive shall not apply to the transport of flammable liquid on a vehicle, not being a tanker truck -
- (a) of a quantity not exceeding 200 litres flammable liquid Class 3.1 or 400 litres flammable liquid Class 3.2 in securely closed metal containers of a capacity not exceeding 50 litres;
  - (b) of a quantity not exceeding 600 litres flammable liquid Class 3.3 or 1 kilolitre flammable liquid Class 3.4 in securely closed metal containers of a capacity not less than 200 litres each.
- (2) Such containers shall be substantially constructed and packed in such a manner as to prevent leakage and obviate their becoming broken, defective or insecure in the course of transport.
- (3) No flammable liquid shall be transported in or on any steam-driven vehicle or in or on any trailer or other vehicle drawn by a vehicle so driven.

### **SPRAY ROOMS**

#### **Registration of Spray Room**

- 60.(1) No person shall spray or cause or permit to be sprayed any vehicle or article with any flammable liquid in any room or building, unless such person is in possession of a spray permit in respect of such room or building.
- (2) Such permit shall only be valid for the period terminating on the next succeeding 31st day of December.
- (3) The provisions of sections 5 to 12 inclusive and 15 shall apply mutatis mutandis to a permit in terms of this section.

### Issue of Spray Room Permit

61. No spray room permit shall be granted in respect of any spray room unless and until such room complies with the requirements of these by-laws.

### Construction of Spray Room

- 62.(1) Subject to the provisions of subsection (4), every spray room shall be constructed in accordance with the following requirements:-
- (a) The walls shall be constructed of brick or concrete of a minimum thickness of 100mm or any other material which, in the opinion of the **Chief Fire Officer or his authorised official**, is suitable for the purpose, the floor shall be constructed of concrete or other impervious material to the satisfaction of the **Chief Fire Officer or his authorised official** and the roof shall be constructed of reinforced concrete.
  - (b) The spray room shall be fitted with a door consisting of at least a Class B rated door and frame assembly as defined by the SABS or close-fitting metal doors of not less than 3mm thickness, carried on an angle-iron frame and having an all-round overlap of not less than 50mm. Such doors shall open outwards and shall be kept locked after normal working hours. The type of door required to be fitted shall be at the discretion of the Chief Fire Officer.
  - (c) All window frames shall be constructed of metal, glazed with wire woven glass and shall be of the non-opening type. Each single pane shall not exceed 450mm x 450mm.
  - (d) Every spray room shall be ventilated with a mechanical system of exhaust and inlet ventilation capable of providing an air velocity of a minimum of 0,5m per second through any cross-section of the room so as adequately to remove flammable vapour from the room and change the air therein. The centre line of the inlets to such system shall be at least 450mm above the level of the floor. The said system shall operate at all times during working hours including any intervals for lunch or tea and shall operate for not less than five minutes after each working period.
  - (e) Every spray room with a floor area in excess of 20m<sup>2</sup> shall be provided with at least two doors, constructed as prescribed in paragraph (b), situated at such distance from each other as to allow the free and unimpeded escape of persons within the spray room from either door in the case of fire or other danger.
  - (f) Where a spray room is subdivided into spray booths as prescribed in paragraph (g), each such booth shall be ventilated in accordance with the provisions of paragraph (d).
  - (g) Where part or the whole of any spray room is sub-divided by partitions into separate compartments or booths (hereinafter described as spray booths) such spray booth shall be constructed of metal or other non-combustible material.

- (h) All exhaust vents shall be constructed of non-combustible material and so designed and constructed that all vapours are expelled from the interior of a building into the open air at a point not less than 1m above the apex of the roof of the building : Provided that the **Chief Fire Officer or his authorised official** may permit such vapours to be expelled into the open air at a lesser distance than 1m above the apex of the roof if, in his opinion, the vapour is not likely to be ignited. In the event of the exhaust vents being external to the spray room and in communication with any other internal portion of the building, such vents shall be protected by either 100mm brickwork or 50mm asbestos cement lagging. There shall be no right angle bends in the vents.
  - (i) The ventilation inlets shall be of 215mm x 140mm terra-cotta air bricks and honeycombed into the wall opposite the exhaust ventilation system at 215mm centres, from floor level to a height of not less than 2,5m. Such inlets shall be substantially equivalent to the exhaust capacity provided in terms of these by-laws.
  - (j) The blades of any fan used in the spray room shall be of non-ferrous metal.
- (2) No electrical equipment shall be installed in the spray room other than -
- (a) electric lights enclosed in outer flame-proof fittings;
  - (b) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together or cables of the armoured type approved by the **Chief Fire Officer or his authorised official**; and
  - (c) electrical apparatus of flame-proof construction used for ventilating purposes.
- (3) (a) The spray rooms, fans and vents shall be kept clean and free from flammable deposits and all fans and vents shall be kept in proper working order at all times, any scraping necessary to comply with the provisions of this subsections being carried out with non-ferrous instruments.
- (b) All drums, cans or similar vessels containing flammable liquids or substances or which have contained the same and have not been degassed or otherwise rendered harmless, shall be kept securely closed when not in use and shall, after the contents have been used, be removed from the spray room and stored in such a place that, in the opinion of the **Chief Fire Officer or his authorised official**, they are not likely to cause danger or obstructions or obstruct or impede the escape to safety of persons or animals in the event of fire.
- (4) The **Chief Fire Officer or his authorised official** may in his discretion permit any reasonable deviation from the provisions of this section which he is satisfied will not create or increase the danger of fire or the danger to persons, animals or other property arising in the event of fire.

### **Danger Notices at Entrance**

63. The words "DANGER - NO SMOKING" in both official languages shall be prominently displayed in letters not less than 150mm high outside the entrance to every spray room, and shall at all times be maintained in such position and in a clearly legible condition : Provided that the **Chief Fire Officer or his authorised official** may require that no smoking signs of approved size and material be installed to his satisfaction and be maintained in a legible condition in such positions directed by him at all times.

### **When Permit is not Required**

64. Nothing contained in sections 60 to 63 inclusive shall prohibit the spraying with flammable liquid of any vehicle or article in the open air if such spraying is not within a distance of 15m from any fire, flame, open light or other agency likely to ignite such flammable liquid or its vapour and, in the opinion of the **Chief Fire Officer or his authorised official**, such spraying is not likely in the event of fire to impede the escape of persons or animals, or to endanger any room or building.

### **MIXING ROOMS**

65. The provisions of sections 9(1), 44 and 45 shall apply mutatis mutandis to mixing rooms.

### **LIQUEFIED PETROLEUM GASES AND OTHER GASES**

- 66.(1) No person shall undertake or cause or permit the recharge, decanting, storage, use or handling of flammable, non-flammable or poison gas on any premises, unless and until the requirements of Code of Practice SABS 0400, SABS 087, SABS 089, SABS 0228, of the South Africa Bureau of Standards, as the case may be, have been complied with.
- (2) No person shall on any premises, store, use, handle or cause or permit to be stored, used or handled liquefied petroleum gas Class 2.1 in quantities in excess of the undermentioned-
- (a) inside any building : a quantity of 45 litres or 19 kilograms;
  - (b) outside any building : a quantity of 113 litres or 48 kilograms
- unless such a person is in possession of a certificate of registration in respect of such premises.
- (3) No person shall permit or cause -

- (a) any container or vehicle to be filled on any premises with liquefied petroleum gas;
- (b) any liquefied petroleum gas to be used, handled or stored on any premises;
- (c) any vehicle to be used on any public place for the transport of liquefied petroleum gas;

unless -

- (i) the requirements of SABS 0400, SABS 019, SABS 086, SABS 087, SABS 089, SABS 0108, SABS 219 of the South African Bureau of Standards, as the case may be, have been complied with; and
  - (ii) a certificate of registration or a transport permit or a certificate of competence in regard thereto and which should be issued in accordance with the provisions of these by-laws, has been obtained from the Chief Fire Officer.
- (4) The **Chief Fire Officer or his authorised official**, may in his discretion, allow any deviation from the provisions of sub-section (1), (2) and (3) or require that additional safety measures be taken and additional fire-extinguishing appliances be provided, which he may deem necessary, having regard to the particular case.

#### **Certificate of Registration for Liquefied Petroleum Gas**

- 67.(1) No person shall keep, store, use or handle or cause to be kept, stored, used or handled on any premises liquefied petroleum gas in excess of the quantities specified in section 66(2) unless such person is in possession of a certificate of registration in respect of such premises.
- (2) No certificate of registration shall be issued unless and until the provisions of these by-laws have been complied with in respect of such premises.
- (3) Such certificate -
- (a) shall specify the maximum quantity of liquefied petroleum gas which may be stored on the premises;
  - (b) may be issued subject to such conditions as the **Chief Fire Officer or his authorised official** may deem necessary, having regard to the circumstances of each application.
- (4) Every such certificate shall only be valid for a period of 12 months from date of issue.
- (5) No certificate of registration, other than the renewal thereof, shall be issued in respect of any premises unless and until the provisions of section 68 have been complied with and the application therefore has been approved by the **Chief Fire Officer or his authorised official**.

### Application for a Certificate of Registration

- 68.(1) Every application for a certificate of registration shall be made to the Chief Fire Officer in writing on a form provided by the Chief Fire Officer for the purpose.
- (2) Every such application shall be accompanied by a plan of the premises in respect of which the certificate is required, drawn to a scale of not less than 1:100, showing the elevation with regard to adjacent buildings above or below the ground.
- (3) Every such application shall also be accompanied by a block plan drawn to scale of not less than 1:500, showing the following particulars :
- (a) the premises and all open spaces with stand numbers thereof and the materials of which such premises are constructed or are to be constructed;
  - (b) stands with numbers thereof immediately adjoining the premises;
  - (c) names of any streets on which the premises abuts and the township in which it is situated;
  - (d) the north point.
- (4) Every application relating to existing premises in respect of which a certificate in terms of section 67 has been issued and in respect of which it is proposed to make alterations or additions, shall be accompanied by a ground plan only. Such ground plan shall be drawn to a scale of not less than 1:100 and shall show such additions or alterations in relation to such existing premises.
- (5) All plans shall be -
- (a) signed by the owner of the premises or his agent;
  - (b) drawn in black ink on white linen, white plastic or other suitable material, or clear prints; and
  - (c) coloured with fast colours as follows:
 

Block Plan :  
 Proposed premises : Red  
 Other existing buildings : Grey or neutral tint.  
 Open spaces : Uncoloured.
- (6) On approval of such plan a notice shall be issued in writing, setting out the conditions imposed by the **Chief Fire Officer or his authorised official** in his discretion.
- (7) The approval of plans in respect of premises shall in no way imply acceptance of any responsibility on the part of the Council in regard to such premises.

- (8) The approval by the **Chief Fire Officer or his authorised official** of any plan in terms of these by-laws shall lapse and be of no force and effect if the provisions of these by-laws shall not have been complied with within one year after the date of such approval.

### **Conditions of Certificate of Registration**

- 69.(1) No person shall store, use, handle or cause or permit to be stored, used or handled on the premises any quantity of liquefied petroleum gas in excess of the amount specified in the certificate of registration relating to such premises.
- (2) (a) Any person in lawful possession of any certificate of registration may make written application to the Chief Fire Officer for permission to increase the total quantity of liquefied petroleum gas which may in terms of such certificate be stored, used or handled;
- (b) Such application shall be granted by the **Chief Fire Officer or his authorised official** only when the proposed increase is in conformity with the provisions of these by-laws. Where the **Chief Fire Officer or his authorised official** has granted such application, such person shall surrender the certificate of registration to the Chief Fire Officer for amendment.

### **Display of Certificate of Registration**

70. Any person to whom a certificate of registration has been issued shall cause such certificate to be affixed and maintained in a conspicuous position on the registered premises. Such certificate shall be maintained at all times in such position and in a legible condition.

### **Renewal of Certificate of Registration**

71. Application for the renewal of a certificate of registration shall be made not later than the 15th day of November of the year prior to that for which such renewal is required, on a form obtainable from the Chief Fire Officer. No plans of the premises are required in the case of the renewal of a certificate of registration, unless the **Chief Fire Officer or his authorised official**, in his discretion, requires such plans.

### **Transferability**

- 72.(1) No certificate / permit / authorization granted in terms of these by-laws shall be transferable to another person : Provided that if the holder of a certificate of registration / permit / authorization, being a company or close corporation is in the course of liquidation or if the holder of such certificate / permit / authorization dies or in any way becomes incapable in law of carrying on his business or undertaking, then his widow, executor, trustee, liquidator or curator bonus appointed by the Court, as the case may be, may carry on the business or undertaking for the unexpired period of the certificate / permit / authorization.
- (2) No certificate of registration shall be transferable from one premises to another.

### **Installation and Construction**

- 73.(1) Immediately after the installation of any pump, storage tank, filling device, or premises intended for the filling, storage, use or handling of liquefied petroleum gas has been completed, the occupier of the premises shall notify the Chief Fire Officer in writing on a form obtainable from the Chief Fire Officer of the date on which the tank will be ready for inspection.
- (2) No person shall use or cause or permit to be used such pump, storage tank, filling device, or other premises for the storage, use or handling of liquefied petroleum gas until such person is in possession of a certificate of registration relating thereto.

### **Additions and Alterations to Registered Premises**

- 74.(1) No additions or alterations to any existing registered premises shall be made unless and until a plan of the existing premises, together with the proposed work, shall have been submitted to the **Chief Fire Officer or his authorised official** and approved by him in writing.
- (2) Such plan shall be in accordance with the provisions of section 68.

### **Removal and Dismantling**

- 75.(1) Any person who removes or causes or permits to be removed any pump, storage tank or filling device from any registered premises shall give notice of such removal to the Chief Fire Officer in writing.

### **Storage, Use and Handling on Registered Premise4s**

### **Prohibited in certain circumstances**

76. Except as otherwise provided in these by-laws, no person shall store, use or handle or permit or cause liquefied petroleum gas to be stored, used or handled on any registered premises -
- (a) where such liquefied petroleum gas or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such liquefied petroleum gas or its vapour;
  - (b) so situated as to prevent or impede the escape of any person or animal in the case of fire or otherwise;
  - (c) unless all equipment and apparatus used on such premises for the storage, use or handling of liquefied petroleum gas is maintained in good and sound order and free from leakage of liquefied petroleum gas;
  - (d) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises, and for the prevention of unauthorized persons obtaining access to the liquefied petroleum gas kept on such premises.

### **Repairing of Liquefied Petroleum Gas Containers**

- 77.(2) No person shall carry out or permit to be carried out any repairing operations or refill or use or permit to be refilled or used any liquefied petroleum gas container, unless -
- (a) all liquefied petroleum gas and vapours have been removed from such container; and
  - (b) all repairs are undertaken in accordance with the South African Bureau of Standards Code of Practice SABS 019.

### **Prohibition of Certain Acts**

- 78.(1) No person who stores, uses or handles or causes or permits to be stored, used or handled any liquefied petroleum gas on any premises, shall do or cause or permit to be done any act which tends or is likely to cause a fire or an explosion.
- (2) No person shall refill or cause or permit any liquefied petroleum gas container to be refilled, unless it is refilled by or under control and supervision of the holder of a certificate of competence issued in terms of these by-laws.

### **Notice to Discontinue Dangerous Method**

- 79.(1) If at any time during an inspection of any premises it appears that the method of storage, transport, refill or handling of liquefied petroleum gas is in conflict with the provisions of these by-laws or that the safety of the public or any person employed at such premises is endangered, the Chief Fire Officer may require the owner or occupier of the premises concerned to cease such method forthwith or that such liquefied petroleum gas be removed to a place for safe keeping.
- (2) Any person failing to comply with any order of the Chief Fire Officer issued in terms of this section shall be guilty of an offence.

### **Supply of Liquefied Petroleum Gas**

80. No person shall -
- (a) supply or deliver or cause or permit to be supplied or delivered liquefied petroleum gas in excess of the quantity specified in section 66(2) to any premises, the occupier of which is not in possession of a certificate of registration issued in terms of the provisions of these by-laws in respect of the said premises; or
- (b) supply or deliver or cause or permit to be supplied or delivered to any person who is not in possession of a transport permit issued in terms of these by-laws liquefied petroleum gas in excess of the quantity specified in section 66(2) : Provided that -
- (i) a transport permit shall be valid for such vehicle and period specified in the transport permit;
- (ii) no liquefied petroleum gas shall be transported on a trailer.

### **Fire Extinguishing Appliances**

- 81.(1) Except where otherwise provided in these by-laws, the person to whom the certificate of registration or permit has been issued in terms of these by-laws shall install or cause to be installed on all premises to which such certificate or permit refers fire extinguishing appliances, equipment and alarms in accordance with SABS 0400.
- (2) Such fire extinguishing appliances shall be approved fire-extinguishing appliances complying with the requirements of SABS 810, SABS 889 or SABS 1151, as the case may be, and shall be installed and maintained in accordance with SABS 0105 : Provided that where the **Chief Fire Officer or his authorised official** is of the opinion, having regard to the particular circumstances of every case, that the fire extinguishing appliances are insufficient, such other fire extinguishing appliances, as he may deem necessary for the particular hazard, shall be installed.

- (3) The person to whom a certificate of registration or a transport permit has been issued in terms of these by-laws shall maintain at all times on the premises or vehicle to which such certificate or permit relates-
- (a) all fire extinguishing appliances, fire extinguishers, equipment and alarms in accordance with the provisions of these by-laws; and
  - (b) all such equipment
- in sound order and ready for immediate use.

### **Inspection of Fire Extinguishing Equipment**

- 82.(1) Where, in terms of these by-laws, any fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm has been installed on any premises, the owner of such premises or his agent shall keep such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm in a good working order and cause it to be examined every 12 months by the holder of a certificate of competence, issued to him in terms of the provisions of the chapter relating to the Control and Handling of Fire Extinguishing Appliances.
- (2) Every such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm shall bear a label on which such person examining it shall endorse his name, the date of examination and the condition of such fire hose reel, fire extinguisher, fire fighting equipment, fire hydrant, fire extinguishing installation or fire alarm on that date.

### **Reporting of Incidents**

83. The occupier of any registered premises shall immediately report to the Chief Fire Officer any fire or incident in which liquefied petroleum gas is involved and which occurred in or in connection with such premises.

### **Inspection of Premises**

- 84.(1) The Chief Fire Officer may at all reasonable times, and without prior notice, for any purpose in connection with the application of these by-laws, enter any premises and make such enquiries or carry out such inspection as he may deem necessary.
- (2) The owner or occupier, or failing their presence on the premises, any other person employed thereon shall upon demand disclose to the Chief Fire Officer the presence of any liquefied petroleum gas in or upon such premises and shall answer all enquiries

relating either to the observance of these by-laws or to any condition in connection with the certificate of registration or permit.

### **Breach of Conditions**

85. Any person who commits any breach of or fails or neglects to comply with any condition endorsed on the approval notice or certificate of registration issued in terms of these by-laws shall be guilty of an offence.

### **TRANSPORT OF LIQUEFIED PETROLEUM GAS**

- 86.(1) The provisions of sections 50 to 58 are mutatis mutandis applicable to the transport of liquefied petroleum gas.

### **Limitation of the Application of Certain Sections**

- (2) The provisions of sections 50 to 56, inclusive, shall not apply to the transport of liquefied petroleum gas on a vehicle, not being a tanker truck, if only a quantity of not exceeding 48 kilograms or 113 litres liquefied petroleum gas Class 2.1 in securely closed liquefied petroleum gas containers is transported.
- (3) Such liquefied petroleum gas containers shall be packed in such a manner as to prevent leakage and obviate their becoming broken, defective or insecure in the course of transportation.

### **Exemptions and Requirements ; General**

- 87.(1) Notwithstanding anything contained in these by-laws -
- (a) liquefied petroleum gas shall not be deemed to be stored or transported when contained in the fuel tank of a motor vehicle or stationary engine in normal use as such; and
  - (b) the fuel tank, piping, components and installation comply with the specifications contained in SABS 087 Parts 6 and 8.

## CERTIFICATE OF COMPETENCE

### Application for Certificate of Competence

- 88.(1) Every application for a certificate of competence shall be submitted to the Chief Fire Officer in writing on a form furnished by the Chief Fire Officer for that purpose.

### Applicant to be tested

- (2) When required to do so by the **Chief Fire Officer or his authorised official**, every applicant for a certificate of competence shall subject himself to a test at the office of the Chief Fire Officer and a certificate of competence shall be issued subject to the provisions of these by-laws.

### When a Certificate of Competence may not be issued

- (3) The **Chief Fire Officer or his authorised official** shall not authorise the issue of a certificate of competence if the applicant, in his opinion -
- (a) does not possess a sound general knowledge of the applicable SABS 087 Code of Practice;
  - (b) does not possess a satisfactory knowledge of how the different fire extinguishing appliances can be used in the most effective manner;
  - (c) does not possess a satisfactory knowledge of the action to be taken in emergency situations or in case of fire; and
  - (d) does not otherwise create the impression of being well qualified or competent in the interest of public safety to be in possession of a certificate of competence.

### Period of Validity of Certificate of Competence

- (4) Every certificate of competence shall, after the issue thereof, be valid in respect of the person mentioned therein only until it is cancelled or withdrawn by the **Chief Fire Officer or his authorised official** and such certificate shall not be transferable from one person to another and shall remain the property of the Council.

### **Breach of Conditions**

89. Every person who breaches any condition endorsed on the notice of approval or a certificate of registration issued in terms of these by-laws or fails or neglects to comply therewith shall be guilty of an offence.

### **CARBIDE**

#### **Certificate of Registration in respect of Storage**

- 90.(1) No person shall keep or store carbide in excess of 900kg on any premises unless such person is in possession of a certificate of registration in respect of such premises.
- (2) No certificate of registration shall be issued in respect of any premises for the storage of carbide until the provisions of these by-laws have been complied with in respect of such premises.
- (3) Such certificate -
- (a) shall state the maximum amount of carbide permitted to be stored on the premises;
  - (b) may be issued subject to such conditions as are deemed necessary by the **Chief Fire Officer or his authorised official**, having regard to the circumstances pertaining to each application.
- (4) Every such certificate shall only be valid for a period of 12 months.
- (5) No certificate of registration, other than a renewal thereof, shall be issued in respect of any premises until the provisions of section 91 have been complied with and the application therefor has been approved by the **Chief Fire Officer or his authorised official**.

#### **Application for a Certificate of Registration**

- 91.(1) Every application for a certificate of registration shall be made in writing to the Chief Fire Officer on a form to be provided by the Chief Fire Officer for that purpose.
- (2) Every such application shall be accompanied by a plan of the premises in respect of which the certificate is required, drawn to a scale of not less than 1:100 and showing the elevation of the premises in relation to adjacent buildings above or below the ground.

- (3) Every such application shall also be accompanied by a block plan drawn to a scale of not less than 1:500 which shall specify -
- (a) the premises and all open spaces with stand numbers thereof and the materials of which such premises are constructed or to be constructed;
  - (b) the stands with numbers thereof immediately adjoining the premises;
  - (c) the names of any streets on which the site abuts and the township in which it is situated; and
  - (d) the north point.
- (4) Where the plan relates to existing premises in respect of which a certificate of registration has been issued in terms of section 90 and to which it is proposed to make alterations or additions, only a ground plan together with such application form shall be submitted. Such ground plan shall be drawn to a scale of not less than 1:100 and shall show such additions or alterations in relation to such existing premises.
- (5) All plans shall be -
- (a) signed by the owner of the premises or his agent;
  - (b) drawn in black ink on white linen, white plastic or other suitable material or clear prints; and
  - (c) coloured with fast colours as follows:-
 

Block Plan:  
Proposed premises or alterations:  
Red  
Other existing buildings:  
Grey or neutral tint.  
Open spaces:  
Uncoloured.
- (6) On approval of such plan a written notice shall be issued with such conditions thereon as are deemed necessary by the **Chief Fire Officer or his authorised official**.
- (7) The approval of plans of premises shall in no way imply the acceptance of any responsibility on the part of the Council in regard to such premises.
- (8) The approval by the **Chief Fire Officer or his authorised official** under these by-laws of any plans shall lapse and shall be null and void if the provisions of these by-laws shall not have been complied with within one year after the date of such approval.

### Conditions of Certificate of Registration

- 92.(1) No person shall store or cause or permit to be stored any quantity of carbide on any premises in excess of the amount stated on the certificate of registration relating to such premises.
- (2) Any person in lawful possession of any certificate of registration may make written application to the Chief Fire Officer for permission to increase the total quantity of carbide which may be stored in terms of such certificate. Such application shall be granted by the **Chief Fire Officer or his authorised official** only if the proposed increase is permissible in terms of these by-laws. When the **Chief Fire Officer or his authorised official** has granted any such application, such person shall surrender his certificate of registration to the Chief Fire Officer for amendment.

### Renewal of Certificate of Registration

93. Application for the annual renewal of a certificate of registration shall be made not later than the 15th day of the month proceeding that for which such renewal is required, on a form to be provided by the Chief Fire Officer. No plans of the premises shall be required in the case of a renewal of a certificate of registration, unless called for at the discretion of the **Chief Fire Officer or his authorised official**.

### Transferability

- 94.(1) No certificate/permit/authorization granted in terms of these by-laws shall be transferable to another person : Provided that, if the holder of such a certificate/permit/authorization being a company or close corporation, is in the course of liquidation, or if the holder of such a certificate/permit/authorization dies or becomes in any way incapable in law of carrying on his business or undertaking, then his widow, executor, trustee, liquidator or any curator bonis appointed by the Court, as the case may be, may carry on the business or undertaking for the unexpired period of the certificate/permit/authorization.
- (2) No certificate of registration shall be transferable from one premises to another.

### Additions and Alterations to Registered Premises

- 95.(1) No additions or alterations to any existing registered premises shall be made unless and until a plan of the existing premises, together with the proposed work shall have been submitted to and approved by the **Chief Fire Officer or his authorised official** in writing.
- (2) Such plan shall be in accordance with the provisions of section 91(4).

### **Fire Extinguishing Appliances**

96. The person to whom a certificate of registration has been issued shall install or cause to be installed in the premises to which such certificate refers, in an easily accessible and visible position on a wall or other suitable position not less than 1m above the level of the floor of the premises, 6 fire buckets filled with dry sand, of a capacity of 9 litres each, painted red with the word "FIRE" painted in white and legibly maintained thereon : Provided that if the **Chief Fire Officer or his authorised official** is of the opinion, having regard to the particular circumstances of every case, that the fire extinguishing appliances are not sufficient, such other fire extinguishing appliances, which he may deem necessary for the particular hazard, shall be installed.

### **Rules to be Observed**

97. No person shall store or cause or permit to be stored any carbide on any premises whether registered or unregistered, unless such carbide is stored -
- (a) in such a position that it is not in dangerous proximity to any fire, flame, open light or other agency likely to ignite flammable or explosive gas;
  - (b) in a dry and well ventilated position;
  - (c) in such a position that in the case of fire or explosion, the escape of persons or animals from such premises will not be prevented or impeded;
  - (d) in closed metal containers.

### **Inspection of Premises**

- 98.(1) The Chief Fire Officer may, for any purpose connected with these by-laws, at all reasonable times and without previous notice enter upon any premises whatsoever and make such enquiries or examination thereon as he may deem necessary.
- (2) The owner or occupier or, failing their presence on the premises, any other person employed thereon shall upon demand disclose to the Chief Fire Officer the presence of any carbide in or upon such premises, and shall answer all enquiries relating either to the observance of these by-laws or to any condition in connection with the certificate of registration.

### Construction of Store

99. Every store, room or building used for the storage of carbide in excess of 200kg shall -
- (a) be substantially constructed of non-combustible material;
  - (b) be of such construction and condition that all the contents thereof shall be maintained in a dry condition;
  - (c) be adequately ventilated to prevent the accumulation therein of flammable or explosive gas;
  - (d) be so situated that any gases which may be discharged therefrom are not likely to come into contact with any fire, flame, open light or other agency likely to ignite flammable or explosive gas;
  - (e) have no opening into or communication with any other room or building in which persons reside or which is used for public assembly or stabling of animals;
  - (f) be so constructed and situated that there is no possibility of danger from any fire, flame, open light or other agency likely to ignite flammable or explosive gas;
  - (g) be situated at ground level :

Provided that any such store, room or building used for the storage of carbide in excess of 200kg, unless situated at a distance of not less than 30m from any other building, shall be constructed of brick or concrete and with a roof constructed of non-combustible material and shall have no opening into or communication with any other room or building.

### Danger Notice on Store

100. No person shall use or cause or permit to be used any store, room or building for the storage of carbide in excess of 900kg unless and until the words "DANGER - CARBIDE" in letters not less than 75mm in height are legibly painted in both official languages on the outer face of the door of such store, room or building. Such notice shall at all times be maintained in such position in a legible condition : Provided that the **Chief Fire Officer or his authorised official** may require any additional prohibition signs of approved size and material to be displayed and be maintained in a legible condition in such positions at all times.

### **Purity**

101. No person shall store, use, sell or expose for sale any carbide which is not commercially pure : Provided that no carbide containing any impurity liable to generate phosphoretted or silicuretted hydrogen in such quantities as to render the gas generated likely to ignite spontaneously, shall be considered to be commercially pure for the purpose of this section.

### **Seizure and Removal of Carbide**

102. Where the Chief Fire Officer has reasonable cause to believe that any storage of carbide is contrary to the provisions of these by-laws, he may seize and detain such carbide and may either require the owner or occupier or, failing their presence on the premises, any other person employed thereon to detain the carbide in those premises or in any other premises under his control, or he may remove it in such manner and to such premises as will, in his opinion, least endanger the public safety, and there detain it or take such other measures as may be necessary for the protection of the public.

### **Breach of Conditions**

103. Any person who commits any breach of or fails or neglects to comply with any condition endorsed on the approval notice or certificate of registration issued in terms of these by-laws, shall be guilty of an offence.

### **Payment of Tariffs**

- 104.(1) No certificate of registration, approval notice or transport permit as required in terms of these by-laws will be issued by the Chief Fire Officer until the required tariffs as set out in Schedule 1 hereto have been paid by the applicant.
- (2) No certificate of registration, approval notice or transport permit as issued in terms of these by-laws will be renewed by the Chief Fire Officer until the required tariffs as set out in Schedule 1 hereto have been paid by the applicant.
- (3) No copies of any documents, plans or reports will be issued unless the recipient thereof pays beforehand the required tariffs as set out in schedule 1 hereto.

**Penalties**

105. Any person contravening any of the provisions of this chapter, shall be guilty of an offence and on conviction be liable to a fine of not exceeding R3000.00 or, in default of payment, to imprisonment not exceeding 3 months, or to both such fine and imprisonment.